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THOMAS JEFFERSON

BY

DAVID SAVILLE MUZZEY, Ph.D.

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FIGURES FROM AMERICAN HISTORY

THOMAS JEFFERSON

BY

DAVID SAVILLE MUZZEY, PH.D.

ASSOCIATE PROFESSOR OF HISTORY IN COLUMBIA UNIVERSITY
NEW YORK

Ab eo libertas a quo spiritus

He that gave us life gave us liberty

NEW YORK

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PREFACE

THE story of illustrious men cannot be too often retold. Like great outstanding mountain-peaks, these men invite description but elude definition; they provoke examination but defy exhaustion. The changing hues of political atmosphere, the shifting perspective of social and economic theories, combine with the peculiar equipment, apperception, penchants, and even (alas!) prejudices of each biographer to make any and every interpretation of his hero only a partial, restricted, and temporary one. We grasp so much of the spirit as we can comprehend—and as there are infinite gradations of comprehension, so there are infinite varieties of portrayal. The wonder is not that there are so many different interpretations of the lives of great men, but rather that there is so large a consensus in the case of a great number of them.

Of this number, however, Thomas Jefferson is not one. Though placed by the common consent of scholars in the first class of American statesmen, with Franklin, Washington, Hamilton, Webster, and Lincoln, Jefferson seems far less willing than any of his illustrious compeers to fall into his definitive place of honor. Washington and Lincoln were maligned in life as no other Americans have been;

their abuse, like their merit, was superlative. But to-day their merit alone remains, acknowledged by all. No one contests Benjamin Franklin's position as our first great statesman, philosopher, and scientist—the man who raised common sense to the level of genius, and made the name America known and respected in the world. Few to-day, even though they may detest his politics, would deny to Alexander Hamilton the title of the master genius of American finance or refuse to acknowledge the unique contribution of the *Federalist* to political theory. But Thomas Jefferson is still a subject for acrimonious criticism and chivalrous defense. The campaign controversies of the year 1800 have not yet died down to silence. The perpetuation or the refutation of slanders, objurgations, innuendoes occupies even the latest of Jefferson's biographers. The very men often who acclaim him cannot refrain from sneers; and even his bitter political enemies lean on his authority. A Populist senator of the last generation remarked that "every opinion delivered in the Senate of the United States was backed by a quotation from Thomas Jefferson." His name is cited more often than any other in our political platforms, his portrait hangs with Washington's and Lincoln's in our convention halls, his principles are appealed to as the creed of every true American. Surely, there is no stranger problem of our political psychology than this mixture of venera-

tion and vituperation, of inspiration and exasperation, still provoked by the mention of the name of Thomas Jefferson.

Suggestions in explanation of this anomaly will appear frequently in the following pages. Here I can only urge the obvious but too often neglected truism that the excellences of men are diverse, and that genius, as Lord Acton said long ago, deserves to be judged by its own best performance. To call Kreisler a second-rate fiddler because he cannot sing like Caruso, or Botticelli a mere dauber because he does not paint in the style of Raphael, appears at once as arrant nonsense; yet many a respectable historian has based his whole condemnatory judgment of Jefferson on the fact that he was not like Hamilton. Indeed, no more astonishingly persistent prejudice can be found in our American historiography than the treatment of these two great men like twin buckets in a well, alternately elevated or depressed according as an historian of the Federalist or the Republican school manipulated the chain. Jefferson was in public life almost continuously from his entrance into the Virginia House of Burgesses in 1769 to his retirement from the presidency in 1809. During less than four of those forty years was he in direct contact with Hamilton in the stormy scenes around Washington's cabinet table. Grave and important differences between these men were there revealed, to be sure; disagreement on the

extent and nature of the powers of the central government, on the relative value of urban-industrial and agricultural communities, on the capacity of the common people for self-government. But important as these matters are, they by no means exhaust the interests of Jefferson's many-sided activity; nor should they be dwelt on, as they often have been, to the exclusion or obscuration of his splendid services to our diplomacy and public law, to the reform of inveterate social despotisms, to the clarification of the political philosophy of democracy, and to the advancement of freedom of thought, speech, and creed through a widely extended system of public education.

It has been my desire to present the whole man Jefferson in this modest volume, and to present him as far as possible in the first person. The portrait need not be less faithful because the canvas is small; though the form and size of my book are themselves a sufficient disclaimer of any attempt to add an "original contribution" to the mass of Jeffersonian scholarship. I have wished only to write a truthful and readable account of the life of a great American citizen, who served his fellow-citizens long and devotedly in public office, and who will continue to serve his fellow-men so long as freedom is loved and fought for.

D. S. M.

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THOMAS JEFFERSON

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CHAPTER I

EQUIPMENT AND APPRENTICESHIP

But exercise produces habit, and in the instance of which we speak the exercise being of the moral feelings, produces a habit of thinking and acting virtuously. (Jefferson to Robert Skipwith, August 3, 1771.)

A FEW years after the affable and indolent King Charles II returned from his "travels" and took up his abode in the royal palace of Whitehall, which had been polluted by the presence of Oliver and his saints, a certain William Randolph, gentleman, from Warwickshire, who had sacrificed most of his patrimony in the defense of Charles's martyred father, came to the royal colony of Virginia and started his fortunes anew at Turkey Island, on the broad banks of the lower James. Randolph traced his descent through a long line of nobles, warriors, and statesmen to the royal Earl of Murray, half-brother of the ill-fated Mary, Queen of the Scots. He married Mary Isham, daughter of a baronet, and from this distinguished couple descended a goodly number of

the men who have made the name of the Old Dominion illustrious.¹ In the year 1738 a daughter of the house of Randolph left the rich halls of the "tidewater aristocracy" to follow her more plebeian husband up the river to his frontier farm of a thousand acres in the foot-hills of the Blue Ridge, where five years later she became the mother of Thomas Jefferson.

The Jeffersons could make no boast of gentle blood, but their yeoman stock was not without honor in the colony. Their ancestor had come from Wales, so the tradition ran, from beneath the shadow of Mount Snowdon. A Jefferson had sat for Flower de Hundred in the famous House of Burgesses convened by Governor Yeardley in the little church at Jamestown in 1619—the first legislative body on the soil of America; and Jeffersons of the seventeenth century were accepted as sons-in-law by the burgesses and even by a speaker of the house. But the true founder of the family was the man who in 1738 took Jane Randolph into the wilderness, "where the trails of the hostile Monacons or Tuscaroras were yet fresh on the lands." Peter Jefferson,

¹ Besides the Randolphs themselves (Peyton, first president of the Continental Congress; John the eccentric, of Roanoke; Edmund, attorney-general and secretary of state in Washington's cabinet); William Stith, the historian of Virginia; John Marshall, for thirty-four years chief justice of the supreme court; Richard Bland, the celebrated Revolutionary leader; Robert E. Lee, the idol of the Southern Confederacy, and Thomas Jefferson could trace their descent directly to the aristocratic ancestors of Turkey Island.

then thirty years of age, was the finest type of the American pioneer—tall and straight, strong as an Homeric god, without a drop of fear or meanness in his blood, honest as the daylight, industrious, public-spirited, sociable, and intensely human. He had had little schooling, but his innate nobility of mind drew him to the companionship of the noblest authors. Addison, Swift, and Shakespeare were favorites, whose works he delighted to read aloud to his family around the evening fire of logs. Honors and moderate wealth came to him as the years passed. He was made a justice of the peace and surveyor for the new county of Albemarle, in which his lands lay, then was appointed colonel of the militia of his county, and finally, in the disastrous year of Braddock's defeat (1755), he was elected a member of the Virginia House of Burgesses. He survived this crowning honor but two years, dying suddenly on August 17, 1757, near his fiftieth birthday.

Thomas Jefferson was fourteen years old when his father died, and was already showing the happy result of the mixture of the blood of the Jeffersons and the Randolphs by the blend of strength and grace in his nature. From Peter Jefferson he had his tall frame and serious mind, his capacity for labor, his self-reliance, and above all, the robust democratic faith of the frontier. At the same time the gentler qualities of the Randolph blood appeared in

a certain suavity of manner and extreme delicacy of taste, in his idealism, his musical appreciation, his "almost feminine sensitiveness." He could have appreciated Goethe's famous quatrain, except for the last infinitive:

"Vom Vater hab' ich die Statur,
Des Lebens ernstes Führen;
Vom Mütterchen die froh' Natur,
Die Lust zu fabuliren."

Like many a "self-made" man who has reached easy circumstances, Peter Jefferson wanted his son to enjoy the education which he himself had missed. He left special instructions that Thomas should have a thorough training in the classics, and the boy's tutors carried out the father's will with zeal; for to the end of his days Jefferson protested that he would rather have been deprived of the paternal estate than to have missed his classics. He proved the truth of Cicero's panegyric on Archias by making those studies the food of youth and the joy of old age, the adornment of his prosperity and the solace of his adversity. About two and a half years after his father's death the young Jefferson wrote a short, businesslike note to his guardian, John Harvey, suggesting that it might be better for his serious application to study, for his wider acquaintance with men and books, and for the economy of the household

at Shadwell¹ if he went away to college. So in 1760 the young man of seventeen rode down the river to Williamsburg and entered William and Mary College, next to Harvard the oldest college in the colonies.

Williamsburg was not a very imposing town, with its two hundred houses and its unpaved streets, across whose deep mud-gullies the pedestrian picked his careful way. But it was the capital of the colony, where the burgesses met and where the governor's mansion stood as the centre of the social life of the tidewater aristocracy. It was a decided event in the life of the impressionable lad from the piedmont region when he was taken up by his fashionable relatives and friends at the capital. He gratified his passion for riding, attended parties, from which he carried into his class-rooms distracting thoughts of Virginia beauties, and even became a member of a little club of four who met regularly around the dinner-table of the convivial governor, Fauquier. He was somewhat shocked when he made a report of his first winter's expenses to his guardian, to find how much his innocent dissipations had cost; and for amends made the very honorable suggestion that the sum be charged exclusively to

¹ Shadwell was the name of the house which Peter Jefferson built on the Rivanna, given in honor of his bride, Jane Randolph, who was born in the parish of Shadwell, London. The mansion at Shadwell was burned in February, 1770, shortly after Jefferson had begun the work on Monticello.

his own share of the paternal inheritance. The next year he made a more substantial sort of amends in devotion to his work.

A youth of less sense and character than Jefferson, without rebuke or restraint from his guardian, would have had his head turned by the flattering notice of the Williamsburg aristocrats, and would probably have considered it the most manly thing to do to imitate the governor in his devotion to the gaming-table. Many years later, when he was President of the United States, Jefferson wrote a letter to his grandson, who was away from home at school, warning him of the dangers which he himself had escaped, and (like Warren Hastings, reviewing his career in India), expressing wonder at his own "moderation" in the "various sorts of bad company with which he [I] associated from time to time." The letter has furnished a good deal of amusement for Jefferson's hostile critics, who see in it only a pedant's didactic sermon on his own extraordinary and precocious sagacity. But such a judgment only returns on the head of the critic. Jefferson's mastery of his own spirit in this year of his first choice of the paths of Heracles in Williamsburg was perhaps the most significant act of his whole long life. With the beginning of his second and last year at the college, he threw himself into his work with wonderful singleness of purpose, his "assault on omniscience" winning for him the college degree at the end of the

year. Probably this rapid success tells us more of the standards of scholarship at William and Mary than of the actual intellectual attainments of Jefferson at the age of eighteen; but the important fact remains that he had dedicated himself, with a fidelity that never weakened, to the jealous service of the goddess of truth.

After his graduation Jefferson began the study of law in the office of George Wythe, one of the most brilliant ornaments of the Virginia bar, the privilege of whose professional guidance was afterward shared by Jefferson's younger kinsman, John Marshall, and also by Henry Clay. Wythe was attracted at once to the promising young student, who many years later, on the verge of eighty, wrote in reminiscent gratitude: "Mr. Wythe continued to be my faithful and beloved Mentor in youth, and my most affectionate friend through life." The breadth and profundity of Jefferson's knowledge of law, as shown in his reform of the code of Virginia, in his diplomatic correspondence in France, and in his despatches as secretary of state, are sufficient testimony to the use he made of the privilege of the advice and example of George Wythe.

If Jefferson's apprenticeship in the law was long, it was because of his passion for thoroughness. Every step in knowledge won opened his view on a wider vista of knowledge to be attained. He was not content with accumulating facts and cases. Be-

neath the harsh style and blunt reasoning of Coke on Littleton (the "dull old scoundrel") he detected and approved the political philosophy of the Whigs; while he thought that the student of Blackstone would only "slip backward into Toryism" on his smooth phrases. From the beginning he took the study of the law as an historical training in the principles of jurisprudence, and not simply a hasty professional equipment to fit him to win cases in the courts of Virginia. His friend, the jovial, adventurous, confident Patrick Henry, was admitted to the bar after studying law for six weeks; but Jefferson did not apply for a license until 1767, five years after he had entered Wythe's office.

Jefferson practised law for seven years, until, as he says in his *Memoir*, "the Revolution shut up the courts of justice." He was not a good barrister, for he lacked all the gifts of the rostra. His voice was thin, with a tendency to huskiness after long speaking; contentious assertion was always distasteful to him; and far from enjoying the clash of forensic arms, he shrank by a native fastidiousness from even the disturbance of a private altercation. He seems also, in his later years at least, not to have had a very high opinion of lawyers. In a letter written from Monticello to his friend David Campbell, in 1810, he contrasts the satisfaction it must give a physician to look back at the lives he has saved with the lawyer's miserable recollection of

the many who "by his dexterity have been cheated out of their rights and reduced to beggary." Certainly not a very just comparison! Ten years later, in his *Memoir*, he chides "the present Congress" for its garrulousness, but adds in extenuation: "How could it be otherwise in a body to which the people send one hundred and fifty lawyers, whose trade it is to question everything, yield nothing, and talk by the hour?" Still, even if Jefferson was not a very enthusiastic lawyer, his success as an attorney was far above the average of his day. Henry S. Randall, his most painstaking and exhaustive biographer, has compiled a table of his cases in the general court during his seven years of practice. They amount to about a thousand, and the average yearly income from them was not far from three thousand dollars.

In the midst of his law studies in Wythe's office Jefferson came of age, and celebrated the event in characteristic fashion by planting an avenue of trees at Shadwell. He was now master of the estate, for by the laws of entail and primogeniture—laws which he himself abolished in the reform of the Virginia law code—the oldest son inherited the undivided property. Jefferson was an ideal figure for a landed proprietor. He was passionately fond of country life, riding his beloved horses at early morn over his broad acres, watching with perennial enthusiasm the budding of the trees and the ripening

of the vegetables, noting in his closely written account-books every item of income and outgo. His native gifts of intellect and grace of manner, supplemented by a remarkably fine education, made him a charming host; while his genuine humanitarian interest extended to the meanest slave on his estate. From the day of his majority to the day of his death, more than threescore years later, this tall, sandy-haired master, with eyes "flecked with hazel," was loved by his family, his friends, and his servants as few were loved even in Virginia, the land of loyal devotions.

With his new manorial dignity Jefferson took up the duties of a country squire. He became a justice of the peace and a vestryman of the parish. He also initiated his lifelong crusade for the improvement of material conditions through applied science, by starting a petition to the legislature for making the Rivanna River a navigable highway for the commerce of Albemarle County.

Just at the moment when Jefferson was coming into his inheritance the curtain rose on the prologue to the tragedy of the American Revolution. George Grenville was prime minister in a cabinet which Macaulay characterizes as the worst that had governed England since the revolution of 1688. In March, 1764, Grenville began to put into operation a plan for the taxation of the American colonies, with the threefold object of increasing the British

revenue to meet the large debt contracted in the French war, of restoring the vigor of the Navigation Acts, which bound the commerce of the colonies by rules imposed by the British Parliament, and of raising money to defray the expenses of "defending, protecting, and securing the King's dominion in America," "so happily enlarged" by the expulsion of the French from the St. Lawrence and Mississippi valleys. In addition to various tariff duties levied by the Act of April, 1764, the ministry announced its intention of imposing on the American colonies the next year an "internal tax," that is, a tax not on their foreign trade, which as an "imperial" matter the colonists had been willing, at least in theory, to concede, but a tax on their ordinary business transactions *within* the colonies themselves. All kinds of legal and public documents, including wills, deeds, mortgages, bills of sale, promissory notes, contracts, as well as pamphlets, newspapers, almanacs, and playing-cards, were to be subject to stamp-duties ranging from three pence to ten pounds.

King George approved the vigorous policy of his new ministers. In proroguing Parliament on the 19th of April—a day made memorable on Lexington Green and at Concord Bridge eleven years later by certain events not unconnected with the stamp-tax—George III complimented his ministers on "the wise regulations" which they had adopted "to augment the public revenues and unite the interests of

the most distant possessions of the crown." While the King was speaking Thomas Jefferson was perhaps musingly inspecting the condition of his newly planted shade-trees at Shadwell.

The next spring the Stamp Act was passed through Parliament, with scarcely any debate in the House of Commons and without a division in the Lords. News of the act reached America in May, as the session of the Virginia Burgesses was nearing its close. The representatives of the old conservative families, the Pendletons, Wythes, Blands, and Randolphs, with all the "cyphers of aristocracy," as Jefferson later called them, were willing to dissolve without a protest. There was something sacred and inviolate to them in an act of Parliament. But Patrick Henry, delegate from the upland county of Louisa, spoke out. He offered resolutions condemning the Stamp Act, declaring that the right of taxing the colonies lay in their own legislative assemblies, and that any attempt of the British Parliament to usurp this right tended to the destruction of liberties both here and in England. He supported his resolutions in a fiery speech which drew cries of "Treason!" from the consternated aristocrats. And he carried his point by a single vote.

Thomas Jefferson was standing in the lobby at the door of the hall of the burgesses when Henry made his speech, and was still under the spell of that Homeric eloquence when his kinsman, Peyton

Randolph, attorney-general of the colony, came storming out of the door with a vow that he would have given a hundred guineas for the one vote needed to kill the resolutions. It was a red-letter day in Jefferson's life—one of those rare moments whose influence lasts to the grave. Forty-five years later Jefferson wrote to his friend William Wirt, who was preparing a biography of Patrick Henry: "By those resolutions Mr. Henry took the lead out of the hands of those who had heretofore guided the proceedings of the House. . . . Subsequent events favored the policy of the bolder spirits . . . with whom I went on all points."

Four years later Jefferson was elected to the House of Burgesses from Albemarle County. Much water had flowed under the political bridges meanwhile. The British Parliament had repealed the Stamp Act in 1766, but, under the spur of Charles Townshend's mocking provocation, had returned to the charge the next year and imposed a fresh set of duties on colonial imports, together with a declaration of the legality of writs of assistance, and a general tightening up of the customs control. Massachusetts had protested in a circular letter to the colonies, drawn up by Samuel Adams, and Lord Hillsborough had ordered the unruly legislature of Massachusetts, through Governor Bernard, to rescind the letter. The legislature refused to obey by a vote of ninety-two to seventeen, and was dissolved

by the governor. Two regiments of redcoats were brought from Halifax and quartered in Boston (1768). A few months later (May, 1769) the burgesses of Virginia were convened to meet their newly appointed governor, Lord Botetourt; but their reply to his inaugural speech was ominous. The "bolder spirits" were in control. They reasserted their determination to levy their own taxes, protested against the removal to England for trial of persons accused of treason in the colonies, and, with unmistakable indorsement of the behavior of the Massachusetts Legislature, declared the right of the colonies to make their petitions for redress of grievances an affair of common colonial action. Jefferson was on the committee to prepare the address in reply to the governor's speech, and at the request of his colleagues he drew up a paper. But it was not considered "sufficiently amplified" (which probably meant "sufficiently vague") by the more conservative members, and Colonel Nicholas prepared one in its place. Jefferson was somewhat chagrined by the incident. "Being a young man as well as a new member," he wrote many years later, "it made on me an impression proportioned to the sensibility of that time of life."

Lord Botetourt dissolved the burgesses after a session of five days, but the members reconvened informally in the Apollo Room of the Raleigh Tavern and had out their say. They passed resolutions

boycotting the articles which were subject to the Townshend duties, and discouraged British importations generally. They even agreed to keep their lambs alive for shearing; they would walk in homespun rather than in slavery. Jefferson was one of the most enthusiastic advocates of these measures, which were signed by George Washington, Patrick Henry, Peyton Randolph (now converted), and about eighty other members of the legislature, every one of whom received the indorsement of re-election by his constituents. Two or three years of comparative quiet in the rising dispute with the mother country followed the appointment of Lord North as prime minister in 1770, a period in which, as Jefferson complained, "our countrymen seemed to fall into a state of insensibility to our situation."

But if politics were dull there was plenty of excitement in Jefferson's private life during these years. The paternal home at Shadwell was burned to the ground in the midwinter of 1770, and nothing saved but Jefferson's favorite fiddle. The disaster hastened the building of the new mansion which Jefferson had already begun on the favorite hilltop, where he used to sit and read and dream as a boy. He called it Monticello, the "little mountain," and the house he built on it, wholly from his own plans and partly with his own hands, is one of the treasures of our colonial architecture. Only a single pavilion of the mansion was finished, with three or four

small chambers above, when Jefferson brought his bride to Monticello, through a heavy snow, on New Year's night of 1772. She was Martha Skelton, a widow of twenty-three, and daughter of a prosperous lawyer and proprietor, John Wayles. Her father died the year after the wedding, leaving her property in land (somewhat encumbered by debt) and slaves that was about equal to Jefferson's own estate. Mrs. Jefferson was extraordinarily endowed with both charm and sense, though her physical strength began to fail soon after her marriage. Her death in 1782 broke a perfect union of ten years. She left no sons to continue the name of Jefferson, and of her five daughters only two grew beyond babyhood. These two—Martha (Randolph) and Maria (Eppes), were their father's constant solace and joy. He never married again.

The "insensibility" into which Jefferson feared his country had fallen in 1770 was roused to protest in the spring session of the burgesses in 1773, and again the cause was news from New England. The British schooner *Gaspée*, of eight guns, while chasing smugglers in Narragansett Bay, had run aground on a mud-bank about seven miles from Providence, on the afternoon of June 9, 1772. Late that night the stranded schooner was surrounded by boat-loads of armed citizens of Providence, who easily overpowered the drowsy crew and burned the *Gaspée* to the water's edge. England's retaliation was an act

of Parliament "for the better securing and preserving His Majesty's dockyards, magazines, ships, ammunition, and stores," which threatened with the penalty of death any one who should destroy the least part of His Majesty's naval equipment, even to a brass button on an officer's coat, and gave the court of inquiry in Rhode Island the power to send the accused to England for trial.

Indignant at this monstrous disproportion between the punishment and the crime, the "bolder spirits" among the burgesses, Patrick Henry, the Lees, Jefferson, and his brilliant brother-in-law, Dabney Carr, held a private evening meeting at the Raleigh Tavern and prepared resolutions censuring the retaliatory act against Rhode Island, and calling for the establishment of a standing committee of correspondence and inquiry, whose business it should be to keep informed of important matters going on in all the American colonies and of the measures taken by Parliament for their regulation. The resolutions were adopted unanimously on March 12, 1773, and a committee of eight, including Jefferson and Carr, was appointed. Governor Dunmore, like Governor Botetourt before him, dissolved the house. But the committee met in the famous Apollo Room the next day and sent their resolutions out to the sister colonies, with the invitation to each to appoint a similar committee to correspond "on any measures or rumors of proceedings tending to de-

prive them of their ancient, legal, and constitutional rights."

Still a third time New England provoked the British Parliament to punitive measures, and a third time Virginia stood by the northern colonies. The English Government, "blundering into a policy one day and backing out of it the next, seeking fresh principles of action with every fresh mail from America," as Edmund Burke tauntingly put it, had repealed the Townshend duties, leaving only the trifling tax of threepence a pound on tea to maintain the principle of Parliament's right to tax the colonies' trade. In 1773 the British East India Company, in financial straits, and with a glut of millions of pounds of unsold tea in its English warehouses, applied to the government for relief. Here was a rare opportunity for George III to accomplish two desirable objects by a single stroke. By remitting the shilling duty payable in England he could allow the East India corporation to dispose of its tea in America at a lower price, even including the three-penny tax, than the colonists had to pay for their smuggled cargoes from European ports; and at the same time he could tempt the Americans to take the tea at the good bargain offered and, by paying the duty, indorse the principle, so dear to his heart, of Parliament's right to tax them.¹

¹ Figures from the office of the inspector of imports and exports show that the importation of tea from English ports into the Ameri-

So the late autumn of 1773 saw several ship-loads of the East India Company's tea on the way to American ports. But the clever trick did not work. The people of Charleston got the consignees of the cargo destined for that port to resign, and eventually sold the tea at auction for the benefit of the revolutionary government. Public opinion in Philadelphia and New York prevailed with the consignees and customs officers to send the tea ships back to England without unloading. But in Boston, where the consignees would not resign, nor the customs officers give clearance papers for a return voyage without unloading, nor the governor sign a pass permitting the ships to sail without clearance papers, there seemed but one way left to prevent the tea from being landed and the duties paid. On the night of December 16, 1773, a group of citizens dressed like Indians boarded the ships at Long Wharf, and ripping open the chests with their tomahawks dumped the tea into Boston harbor.

The punishment which Parliament meted out for this defiance of royal authority and wanton destruction of property was swift and sure. The whole

can colonies had fallen off from 877,193 pounds, paying a duty of £9,723, in 1768-9, to 237,062 pounds, paying a duty of only £1,677, in 1772-3. Yet no one could believe that the Americans were drinking only one-quarter as much tea in the latter as in the former year. The King believed, with apparent good reason, that the virtual monopoly which he granted the East India Company would put an end to smuggling and restore the British tea trade to its normal figures.

province was chastised for the act of a few score men. The charter was revised in such a way as to throw almost despotic power into the hands of the royal governor; town meetings, those nurseries of independence, were forbidden, except for the annual election of officers; public buildings were designated as barracks for the King's troops; and the port of Boston was closed by British war-ships, except for "fuel or victual . . . for the necessary use and sustenance of the inhabitants of the said town," from June 1, 1774, until the tea should be paid for.

When the news of the punishment of Boston reached the Virginia Burgesses in their spring session of 1774, the same group of "bolder spirits" who had taken the lead from the older members in 1769, agreeing with Jefferson that they "must take an unequivocal stand in the line with Massachusetts," voted a resolution to observe the 1st of June as a day of fasting, humiliation, and prayer, "to implore heaven to avert from us the evils of civil war, to inspire us with firmness in support of our rights, and to turn the hearts of the King and Parliament to moderation and justice." The reply to such insolence could not be in doubt. "The governor dissolved us as usual," is Jefferson's laconic comment. And, as usual, again the members "retired to the Apollo," where they adopted resolutions boycotting British goods, declaring that an attack on one colony was an attack on all, and instructing their committee

of correspondence to sound the other colonies on the advisability of general annual congresses, the first to be held at Philadelphia in the following September. They further agreed that a convention should meet at Williamsburg on August 1 to appoint delegates to the Philadelphia Congress if the colonies reported favorably on the plan.

Albemarle County designated its newly elected burgesses, Jefferson and Walker, as delegates to the convention at Williamsburg. Their instructions, drawn up by Jefferson himself, contained resolutions asserting that the natural and legal rights of the colonists had been invaded by Parliament in frequent instances, and pledging the co-operation of the Virginians "with their fellow-subjects in every part of the Empire for the reestablishment and guaranteeing such their constitutional rights, when, where, and by whomsoever invaded." These instructions, more radical than those of any other county,¹ more defiant even than the Stamp Act resolutions of Patrick Henry, were only the text of a most remarkable

¹ The resolutions of the Fairfax County meeting, for example, over which George Washington presided, acknowledged Parliament's power, "directed with wisdom and moderation," to regulate American trade and commerce. All the Virginia patriots, except George Wythe, says Jefferson in his *Memoir*, "stopped at the half-way house of John Dickinson, who admitted that England had a right to regulate our commerce, and to lay duties on it for the purpose of regulation, but not of raising revenue." Jefferson took the ground from the beginning that our connection with England was simply the personal union of the American and British parts of the Empire under the same sovereign.

document which Jefferson prepared in the summer of 1774, to serve as instructions for the delegates from Virginia to the general Continental Congress at Philadelphia.

Jefferson was taken ill on the way to Williamsburg and obliged to return to Monticello. But he sent on two copies of his paper, one to Patrick Henry, the other to Peyton Randolph, who he was sure would be chosen chairman of the convention. Randolph placed his copy on the table for the members' perusal. They thought it "too bold for the present state of things," and in its place drew up a briefer and milder set of instructions, in which they declared their "faith and true allegiance to His Majesty, King George the Third, our lawful and rightful sovereign," and their ardent wish for the return of the affection and commercial ties which formerly united both countries; protesting only against some specific abuses (notably Governor Gage's conduct in Massachusetts), without whose redress America could "neither be safe nor free nor happy."

The paper which Jefferson's colleagues generally thought "too bold for the present state of things," was nevertheless printed by some of the author's friends under the title, *A Summary View of the Rights of British America*. This celebrated pamphlet opens the list of American polemic and apologetic papers on the Revolution which Englishmen like Burke, Pitt, and Conway declared were unsur-

passed in the literature of political argumentation. It was the boldest declaration of American rights—almost a declaration of independence. It denied *in toto* the supremacy of Parliament over the colonies, asking by what right one hundred and sixty thousand electors in the island of Great Britain pretended to give laws to four million in the states (note the word!) of America. When the colonists left England, Jefferson maintained, they carried their liberties with them and escaped the control of their fellow Britons left behind as completely as their common ancestors who came over from Saxony escaped the rule of their German kinsfolk. Every act of Parliament touching the manufactures and trade of the Americans had been a usurpation and a wanton assault “upon the rights which God and the laws have given equally and independently to us all.” The rapid succession of such acts during the reign of George III “pursued unalterably through every change of ministers, too plainly prove a deliberate and systematical plan of reducing us to slavery.”

Jefferson reviews these acts: the revenue measures, the suspension of colonial legislatures, the punishment of Boston. He examines the conduct of George III: the vetoes on colonial laws, the arbitrary instructions to colonial governors, the exercise of feudal privileges over the soil, the landing of troops on our shores, the subordination of the civil

to the military power. He entreats the King, as "the only mediatory power between the several states of the British Empire," to recommend to Parliament the total revocation of its offensive acts, and himself to cease to sacrifice the rights of one part of the empire to the inordinate desires of another. The language of the address from beginning to end is that of freemen claiming their rights, not suppliants asking a boon. The customary bending of the knee and lavishing of obsequious adjectives are wanting. Instead, there is protest, remonstrance, defiance, warning, and even exhortation. The young lawyer of Albemarle County dares to sermonize the ruler of the British Empire: "Open your breast, sire, to liberal and expanded thought. Let not the name of George the Third be a blot on the page of history. The whole art of government consists in the art of being honest. Only aim to do your duty, and mankind will give you credit where you fail." Intolerable insolence!

With the publication of the *Summary View* in 1774, as the delegates of the colonies were gathering in Philadelphia, the period of Jefferson's apprenticeship comes to a close. The crisis in his country's life was a milestone in his own. He had reached his political majority. Up to now he had served on committees, drawn up resolutions, signed remonstrances with his colleagues at the Raleigh Tavern, returning to his law practice or to his farms at Mon-

ticello. But from now on he became altogether a public servant. His law office was closed and the good-will and the clients turned over to his distant cousin, Edmund Randolph. And though he was to protest till the day of his release from the presidency, thirty-five years later, that he would have laid down high office any moment for the joy of returning to his estate, the call of his country and the response of his own lofty sense of responsibility to his country's service kept him almost a stranger to Monticello until he returned at last, ripe with age and honors, to spend his declining years amid the dream scenes of his youth.

CHAPTER II

THE DECLARATION OF INDEPENDENCE

By the God that made me, I will cease to exist before I yield to a connection on such terms as the British Parliament propose. (Jefferson to John Randolph, November 29, 1775.)

WHEN unauthorized bodies meet to review and redress the policies of absolute kings, revolution has begun: witness the Convention Parliament and the Tennis Court Oath. Such a body were the sixty delegates of what Jefferson called "the American States of the British Empire," who met on September 5, 1774, in the Carpenters' Hall of Philadelphia. "Certain persons," the lord governor of Virginia called them, "who have presumed without his Majesty's authority or consent to assemble together." Their arrival was scarcely noticed by the Philadelphia newspapers, their session lasted only fifty-two days, and their measures were mild—for the majority of the delegates were still conservative. They sent a respectful petition to the King for a redress of grievances, not differing much in tone from that sent by the Stamp Act Congress nine years earlier, and adopted an "association" or non-importation agreement to be binding on all the colonies. Their significance was rather in the meeting

itself than in its resolutions. They were for the first time expressing the will of the *united* colonies.

Jefferson was not a member of the first Continental Congress, but he came to the forefront in the revolutionary politics of Virginia. On New Year's day, 1775, he was elected chairman of the Committee of Public Safety of Albemarle County,¹ and the following March was sent as delegate to the second Virginia convention, which met, not at Williamsburg, within reach of the King's war-ships, but at the little village of Richmond up the river. Here again the irresistible torrent of Patrick Henry's eloquence swept the assembly on to revolution. "We must fight!" he cried. "The next gale that sweeps from the North will bring to our ears the clash of resounding arms. Our brethren are already in the field. Why stand we here idle? Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!" The motion to arm the colony was carried, and Jefferson was placed, with Henry, Lee, Washington, and nine others, on a committee to prepare a plan of defense. Before ad-

¹ "The powers of these committees were almost unlimited. They inspected the books of merchants to see if they imported prohibited articles, or sold at exorbitant prices. They examined all suspected persons, disarmed, fined, or imprisoned them, and from their decisions there was no appeal. They even enlisted, trained, armed, and officered independent companies and minute-men in each county," says Girardin in his *History of Virginia*.

journing, the convention re-elected its seven delegates of 1774 to the new session of the Continental Congress, to be held in Philadelphia on May 10, adding the name of Thomas Jefferson to replace Peyton Randolph, in case the latter should be recalled to preside over the Virginia House of Burgesses.

Soon after the opening of the Congress, the King's governors in America received a conciliatory proposal from Lord North, to the effect that any colony agreeing to raise the sum assessed by Parliament and to leave the spending of the money to royal authority, should be free to levy the tax in its own way. Much as he hated and feared to call together the House of Burgesses, which he had twice summarily dissolved, and some of whose members (Randolph, Henry, Jefferson) he was even thinking of prosecuting for treason, Governor Dunmore was persuaded by his Council that there was no other way of getting Lord North's proposal before the colony or of preserving his own remnant of authority. Accordingly, the burgesses were convened the 1st of June, 1775, some of them coming down from the upper counties in hunting-shirts with their rifles slung across their shoulders. Governor Dunmore did not wait to hear their answer to Lord North's proposals. The wounding of two young men who had entered the magazine to secure arms, by spring-guns trained on the doors, raised such a storm

against the "murderous governor" in Williamsburg that Lord Dunmore thought it wise to slip away from his capital and take refuge on the deck of the war-ship (June 8). It was the end of the rule of George III's servants in Virginia.

The summons of the House of Burgesses recalled Peyton Randolph from the Congress at Philadelphia, leaving the vacancy which Jefferson had been chosen to fill. Randolph asked Jefferson to remain at Williamsburg, however, long enough to prepare the answer of the burgesses to Lord North. The paper which Jefferson drew up, and which was adopted on June 10, was a respectful but firm rejection of the terms offered. They only "changed the form of oppression without lightening its burdens." The colony could not agree to saddle itself with a perpetual tax, whose amount was to be determined by the British Parliament. Besides, Lord North left all the other grievances of the colonies unredressed: the laws against their trade, the interference with their legislatures, the reconstruction of their courts, the suppression of trial by jury, the introduction of standing armies. Finally, it was too late to appeal to the separate colonies with offers of conciliation. Virginia was committed to the common cause, and her delegates were sitting in the general Congress, before which his lordship's papers should be laid for common deliberation. "We consider ourselves as bound in honor, as well as interest, to share one

general fate with our sister colonies, and should hold ourselves base deserters of that union to which we have acceded, were we to agree on any measures distinct and separate from them." In other words, it was to Philadelphia and not to Westminster that the Americans now looked for their authority.

The day after his reply to Lord North was accepted by the burgesses, Jefferson set out by carriage for Philadelphia, taking a copy of the reply in his pocket.¹ He could make only about twenty miles a day over the poor roads and across the slow ferries. There were eight unbridged rivers to cross in his journey of two hundred and fifty miles. He arrived on June 20, just in time to see George Washington set out for Cambridge to take command of the American army of sixteen thousand New England farmers. Although he was but thirty-two years of age—the youngest man in Congress, with the exception of Edward Rutledge of South Carolina, and John Jay of New York—Jefferson was already known to the leading men of Philadelphia. "He brought with him," wrote John Adams, "a reputation for literary science and a happy talent of composition. Writings of his [the *Summary View* and the *Reply to Lord North*] were handed about, re-

¹ Jefferson says in his *Memoir* that he "conveyed to Congress the first notice they had of it." But here, as in many minor points in the *Memoir*, memory played the old man of seventy-seven false. New Jersey had laid the proposal of North before the Congress on May 20.

markable for their peculiar felicity of expression." Jefferson had no talent for public debate, but in consultation and committee work his opinion was "prompt, frank, explicit, and decisive," says John Adams in the same letter. He was a welcome accession to the radical cause in Congress, especially as he had the learning and the art to write a powerful apology for that cause. Our affairs were, as the writers of the time phrased it, "in a delicate posture." War had actually begun, yet we were still protesting our loyalty and sending our petitions to George III; united action was the only hope for our cause, and yet further measures of violence might drive the hesitating into the arms of England; and in England itself we had to convince the Tories of our candor and the Whigs of our courage.

It was not long before the masterly pen of Jefferson was called into requisition. News of the terrible slaughter of Bunker Hill reached Congress. Lexington and Concord might be explained away as skirmishes, but here was war in grim array, serried ranks of redcoats marching up the hill again and again to silence the murderous fire from the American ramparts. Congress hastened to appoint a committee to explain and justify the colonists' resort to arms, in a "declaration to be published by General Washington upon his arrival at the camp before Boston." John Rutledge's report was unsatisfactory to Congress, and John Dickinson and Thomas Jef-

ferson were added to the committee. "I prepared a draft," says Jefferson in his *Memoir*, "of the Declaration committed to us. It was too strong for Mr. Dickinson. . . . We therefore requested him to take the paper and put it into a form that he could approve. He did so, preparing an entire new statement, and preserving of the former only the last four paragraphs and half the preceding one. We approved and reported it to Congress, who accepted it."

Now the last four and a half paragraphs of this famous *Declaration on the Colonists Taking up Arms* are worth all the rest of the paper. They are nervous, forceful, and thoroughly radical. It is from them that the epigrammatic phrases are often quoted: "Our cause is just, our union is perfect," "resolved rather to die free than live slaves," "we fight not for glory or conquest," "against violence actually offered we have taken up arms, we shall lay them down when hostilities cease on the part of the aggressor." It was these sentiments that were received with "thundering huzzas" by the soldiers encamped around Boston. They are sentiments we should expect from Jefferson, but not at all from the conservative John Dickinson. Yet, in spite of their Jeffersonian style, our documentary evidence seems to prove that they were written by Dickinson. The manuscript of Jefferson's rejected draft of the *Declaration* is among the original Jefferson papers in

the Department of State at Washington. In 1882 Doctor George H. Moore, of the New York Historical Society, found among its papers a draft of the entire *Declaration*, with corrections and interlinings, in the handwriting of John Dickinson. A comparison of these two documents shows that Dickinson embodied several of Jefferson's ideas and even kept some of his phrases (as he would naturally do, being asked to "amend" Jefferson's draft). But there is no more, or very little more, of Jefferson's draft in the last four and a half paragraphs than in the rest of the paper. We are at a loss to explain Jefferson's explicit statement in the *Memoir*.¹

On the day before Congress adjourned (July 31, 1775) it adopted a reply to Lord North's conciliatory resolution. Jefferson, having written the reply of the Virginia Burgesses, which was approved by Congress, was asked to draft the paper. It em-

¹ Still we object to the tone of censorious hostility to Jefferson in the address of Doctor Moore, as printed in Stillé's *Life and Times of John Dickinson*: "If any man can discover any good, honest reason why Mr. Jefferson wrote such a story [of the last four and a half paragraphs] in his *Autobiography*, he will render a seasonable and important service to the much exalted reputation of the author." (P. 361.) The innuendo and the sneer are both undeserved. No one believes that Thomas Jefferson deliberately lied. There may have been consultations and tentative drafts in which both Jefferson and Dickinson had a part, leaving on the former the distinct impression that the closing paragraphs were his suggestion primarily. At any rate, Doctor Moore goes beyond the warrant of the evidence when he asserts in italics that the draft in Dickinson's handwriting "proves that the author of any part was the author of every part, and that there was but one hand in the work, and that the hand of John Dickinson." It proves no such thing, as every historical student knows.

bodied, "in statelier form," the resolutions of the Virginia House which we have already analyzed. On the adjournment of Congress till the fifth of the following September, Jefferson returned with Henry, Harrison, and Lee to the Virginia Convention at Richmond. He remained here only ten days, but before he returned to Monticello he had the satisfaction of being re-elected to Congress by a very large majority, and of seeing the first breach made in the exclusive privilege of the Anglican establishment in Virginia. Baptist and Congregationalist patriots, with the reverend John Clay, father of the great Henry, among their leaders, secured the passage of a resolution by the convention allowing the dissenting ministers to preach in camp, "for the ease of such consciences as may not chuse to attend divine service as celebrated by the chaplain." We shall see in later pages with what zeal Jefferson threw himself into the struggle for complete religious freedom in Virginia.

While Peyton Randolph was being returned to Congress at the head of the poll, his brother John was making his preparations to emigrate to England, for he adhered to the royal cause. Jefferson wrote him a letter from Monticello in August, 1775, begging him to make the true sentiments of the Americans understood in England. It is one of the most valuable letters we have from Jefferson's pen, describing both his own and his countrymen's feelings

at a most critical moment in our history. He voices the hope that "the returning wisdom of Great Britain will ere long put an end to this unnatural contest." He professes the sincere preference "to be in dependence on Great Britain, *properly limited*, than on any other nation upon earth or than on no nation." He fears that the King's ministers have been deceived by their officials on this side of the water, who represent the American opposition as a small faction, and as cowards who will surrender at discretion to a small force. He insists that the Americans are in earnest, and that "no partial concessions of right will be accepted." He warns the men who are directing the policy of the British Empire that it is "the most critical time certainly that it has ever seen," a crisis which will determine "whether Britain shall continue the head of the greatest empire on earth, or shall return to her original station in the political scale of Europe." And he adjures the ministry not "to trifle with accommodation till it shall be out of their power forever to accommodate." There is little probability that John Randolph urged these "instructions" on the British ministry, but the writing of them in the quiet of Monticello, after the stirring scenes of the summer, must have been a kind of mental stock-taking for Jefferson, still further clarifying his ideas and fortifying his convictions on the rights of "British America."

Jefferson returned to Congress late in September with a heavy heart. His second child, Jane, had just died at the age of eighteen months, his mother was failing fast, and his wife's health was very poor. He was sorely needed at Monticello for comfort, protection, and support. Lord Dunmore was engaged in the dastardly policy of revenge by inciting the slaves to revolt and offering them arms. Although the merest handful replied to his solicitation, the anxiety on the farms and plantations of Virginia was great; for the slightest rumor of a slave insurrection always caused a panic in the Old Dominion. Jefferson had over eighty slaves at Monticello, and a "family" of thirty-four whites. There was no man capable of caring properly for the estate but himself. His letters from Philadelphia to his brother-in-law, Francis Eppes, betray his anxiety. On November 7 he writes that he has not heard a word from any mortal in Virginia during the seven weeks since he left home: "The suspense under which I am is too terrible to be endured; if anything has happened, for God's sake let me know it." Finally, toward the close of December, he left Philadelphia, the rules requiring only that a majority of the delegation from the State be present at Congress. The next four and a half months he spent at Monticello.

The irony of our protestations of allegiance to Great Britain and the futility of any hopes for a

reconciliation with Parliament were becoming more patent with every month that passed. The King refused to receive the "olive branch petition" which Dickinson, Jay, and Wilson had persuaded Congress to send in July, 1775, as a last appeal to "his most gracious Majesty." Instead, he had declared the American colonies to be in a state of rebellion and sedition.¹ He prohibited all trade and intercourse with them, bombarded and burned their towns (Falmouth and Norfolk), and hired German mercenaries to reduce them to obedience. In November, 1775, Parliament, by a vote of 83 to 33 in the Lords and 210 to 105 in the Commons, rejected motions for conciliation. On this side of the water there was no less determination. Congress maintained an army in active opposition to the royal governor of Massachusetts, made war contracts, granted military commissions, appointed a diplomatic committee to sound the courts of Europe for aid, and recommended to the patriots of New Hampshire, South Carolina, and Virginia to follow the lead of Massachusetts in establishing such forms of

¹ When Benjamin Franklin returned to America in March, 1775, after ten years' official residence in London as "agent" of several colonies, he told the Americans how their petitions to the King were treated: "Transmitted to Parliament with a great heap of letters, newspapers, handbills, etc., and laid on the table undistinguished by any recommendation and unnoticed in the royal speech." In spite of Franklin's report, Congress addressed the throne in most obsequious language in its petition of July 8, 1775, two days after the *Declaration on the Colonists Taking up Arms*. John Dickinson was the author of both papers!

government as, in their judgment, would "best produce the happiness of the people and most effectually secure peace and good order during the continuance of the present dispute between Great Britain and the colonies." It is difficult to see what further act of sovereignty the colonists could perform. The inconsistency of such behavior with professions of loyalty to the crown was convincingly shown by Thomas Paine in his famous pamphlet, *Common Sense* (January, 1776), which urged the colonies to drop their sentimental attachment to a stupid King and a servile Parliament, and to wake to their prophetic mission as founders of a new nation destined to be vast and populous, an example of freedom and democracy to the whole world.

Thomas Paine's pamphlet was running into the tens of thousands, its "sound doctrine and unanswerable reasoning" (the words are Washington's), stirring a new spirit of independence throughout the land, when Thomas Jefferson went up in May, 1776, to resume his seat in Congress. Already the ties which bound the colonies to England were snapping. The local committees of safety had virtually succeeded the King's officials in New England and the colonies south of the Potomac. Only the middle group—New York, Pennsylvania, New Jersey, and Maryland—held firm in their allegiance, instructing their delegates in Congress as late as January, 1776, to resist any proposition for a separation from

Great Britain. On April 12 the convention of North Carolina authorized its delegates "to *concur* with the delegates of other colonies in declaring independency"; and a month later the Virginia Convention took the decisive step of instructing its delegates in Congress "to propose to that respectable body to declare the united colonies free and independent States, absolved from all allegiance to or dependence upon the Crown or Parliament of Great Britain." Mr. H. S. Randall, in his elaborate biography of Jefferson, thinks it likely that this momentous resolution of the convention of Virginia was connected with Jefferson's vacation from Congress, and he urges, among other reasons for his belief, that Jefferson's election to the first place on the committee chosen June 10 to draft a declaration of independence would scarcely be the reward bestowed on a prodigal returning after four and a half months of inglorious ease. At any rate, it is a pleasing surmise that the man who wrote the immortal document was influential in securing the introduction of the motion for independence, and there may have been more than a mere coincidence in the fact that appearance of the resolution in the Virginia Convention followed so hard upon the departure of Jefferson for Philadelphia.¹

¹ Mr. Randall might have added another weight to his scale of probabilities by quoting some of the abundant testimony of contemporary Virginians to the part played by the piedmont counties (where, of course, Jefferson was most influential) in the campaign

Richard Henry Lee, in behalf of the Virginia delegation, introduced the triple motion into Congress, June 7, 1776, declaring our independence, recommending the solicitation of aid from foreign Powers, and urging the formation of a confederation to bind the colonies more closely together. The first clause was debated fiercely. "The Congress sat till seven o'clock this evening," wrote Rutledge to Jay, "in consequence of a motion of R. H. Lee's rendering ourselves free and independent States: the sensible part of the House opposed the Motion . . . I wish you had been here. The whole argument was sustained on the one side by R. Livingston, Wilson, Dickinson, and myself, and by the Power of all New England, Virginia and Georgia at the other." Jefferson produces a score or more of arguments on each side in brief synoptic paragraphs in his *Memoir*, and adds that since "the colonies of New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina were not yet matured for falling off from the parent stem, but were fast advancing to that state, it was thought most prudent to wait a while for them and to postpone the decision." At the same time a committee of

for independence. Mason wrote to R. H. Lee that the resolution of May 15 in the convention "was carried by the western vote," *i. e.*, by the members living north and west of Richmond; and Jefferson himself wrote from Philadelphia to Thomas Nelson, just after taking his seat: "When at home I took great pains to inquire into the sentiments of the people on that head [independence]. In the upper counties I think I may say nine out of ten were for it."

five was appointed to draw up a Declaration of Independence to be adopted in case the motion should pass. Thomas Jefferson was chosen first on the committee, with John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston following in the order named. In response to the unanimous request of his colleagues, Jefferson undertook to draft the paper.

To analyze the Declaration of Independence would be as gratuitous a piece of work as to analyze the Ten Commandments. It is the Bible of American democracy. The equality of all men in the eyes of nature and the law, the inalienable rights of all to life, liberty, and the pursuit of happiness, the function of government as a guarantee of those rights, its just powers derived from the consent of the governed—these are the political principles on which our republic is founded and from which it will draw its inspiration as long as it lives. Without them it would not be a republic; without them it would not be America.

Congress handled Jefferson's draft rather roughly in its debate of July 2-4, and the author confesses himself that he writhed a little under the acrimonious criticism of some of its parts. Very few additions were made, and those only of a few words, but some passages were suppressed. In the long list of indictments against the tyrannical conduct of George III, which comprise the body of the Declara-

tion, Jefferson had included a rebuke of the King for his perpetuation of the American slave-trade. The section was stricken out. New England had hundreds of vessels engaged in the traffic, and the Southern planters had not kept pace with Jefferson in his emancipation sentiments. Another paragraph suppressed was the severe arraignment of the English people as "unfeeling bretheren," whose support of a tyrannical government had "given the last stab to agonized affections and forced us to endeavor to forget our former love for them." The passage was melodramatic and inopportune. Our quarrel was with George III and his Parliament, not with the English people. A comparison of Jefferson's original draft with the Declaration as amended and adopted leaves no doubt that the pruning process, however painful to the sensitive author, was wise and wholesome.

Jefferson states in that part of his *Memoir* which he claims was composed from notes taken at the time of the events that the Declaration was accepted by Congress on July 4, and "signed by every member present except Mr. Dickinson." But in this, as in many of the statements in the *Memoir*, he is mistaken—unless we take refuge with his devoted biographer, Mr. Randall, in the rather absurd supposition that in July all the members but one signed a paper which (in spite of its immense importance) soon disappeared from view, while several weeks

later considerable difficulty was experienced in getting them to sign the engrossed copy now preserved in the Department of State at Washington. Besides, Dickinson was not present in Congress on July 4, 1776. The wide-spread tradition of the signing of the Declaration of Independence on July 4, with its attendant stories of Franklin's and Harrison's facetiousness, is due to the following curious fact. The secretary, Charles Thompson, in making up his minutes for the session of July 4, left a blank space for the text of the Declaration. The space was filled later by pasting into it a copy of the Declaration, to which were appended the names of the signers as they appeared on the engrossed copy. August 2 was the date on which most of the members actually signed. The original Declaration as sent out by Congress bore only the name of the president, John Hancock, written in the bold letters "which George III could read without his spectacles," and of the clerk, Charles Thompson.¹

¹ Some of the men whose names thus mistakenly appear as signers on July 4 were not present in Congress that day, and some were not even members of Congress then. The original Declaration, in the handwriting of Jefferson, as reported from the committee to Congress, is preserved with the Jefferson manuscripts in the Department of State. The engrossed copy, signed by the members, is also there, but since 1894 it has been kept from public view, in a steel case, to prevent further fading and cracking of the parchment. Jefferson made a number of copies of the Declaration in his own handwriting for various friends. Two of these copies are now in Washington, another was given by R. H. Lee to the American Philosophical Society at Philadelphia, a fourth is in the Lenox Division of the Public Library of New York, a fifth in possession of the Massa-

Many years after the Declaration was written, when Jefferson and Adams had become estranged by bitter partisan strife, the Massachusetts patriot, both in his *Autobiography* and in his letters, sought to belittle Jefferson's merits. He declared that he and Jefferson were both appointed as a subcommittee to make the draft; that they each urged the other to write it; that he finally persuaded his younger colleague to do the work because he was not only a better writer but was a Virginian and a "less obnoxious and suspected" ("distinguished"?) person than himself; and that finally, after some strictures on the document which Jefferson prepared, he "consented to report it" to the committee. As to the Declaration itself, Adams wrote to Pickering in 1822: "As you justly observe, there is not an idea in it but what had been hackneyed in Congress for two years before. . . . Indeed, the essence of it is contained in a pamphlet, voted and printed by the town of Boston, before the first Congress met, composed by James Otis, as I suppose in one of his lucid intervals, and pruned and polished by Samuel Adams."

Jefferson's reply to these ungracious remarks of

Massachusetts Historical Society. Copies that we know from Jefferson's correspondence were given to Page, Pendleton, Wythe, and Mazzei have disappeared. A great number of facsimiles are in existence, two hundred having been made by order of Congress in 1824 and presented to the three surviving signers—Jefferson, Adams, and Charles Carroll of Carrollton.

the man who forty-six years earlier had stood by his side as "the Colossus of the Debate" on the adoption of the Declaration, is simply that the committee "unanimously pressed" him to write the draft, that he submitted it to Adams and Franklin for their corrections (which were trifling), that as to its merits he was not the judge. "Otis' pamphlet I never saw," he continues, "and whether I had gathered my ideas from reading or reflection I do not know. I only know that I turned to neither book nor pamphlet while writing it. I did not consider it as any part of my charge to invent new ideas altogether, and to offer no sentiments which had ever been expressed before."

It is precisely the marvelous skill of Jefferson in focussing in sharp, distinct lines the wavering sentiment of independence that makes his document so great. For us the Declaration of Independence is the birth certificate of the American nation; for the men of 1776 it was a proclamation, a bugle-call. It cleared the air. Men were no longer to wonder how they could "own the King and fight against him at the same time," as a Delaware patriot said. Hesitation was at an end. The Tories had been lagging brothers, fearful of treason to their King. The Declaration made them traitors to America. Caution and calculation had postponed the fatal step of separation from Great Britain. The middle colonies were lukewarm; decisive action might mean

their secession. And the same rash step that produced division at home would cement the union of Whigs and Tories in England. For the Whigs were our friends as long as we demanded reforms, but our enemies when we fell away from the empire. The same William Pitt who "rejoiced" that America had resisted the Stamp Act, declared a few years later that if he believed that the Americans entertained "the most distant intention of throwing off the legislative supremacy of Great Britain," he would be the first to enforce British authority "by every exertion the country was capable of making." In the compelling faith of freedom the Declaration risked the double danger of a disunited America and a united England. And its faith was justified.

Not all were won to the patriot cause. Careful students of the loyalist sentiment in the American Revolution believe that fully one-third of the population of the colonies held by the King. But the men who were waiting to have the issue clearly defined, the leaders who for a decade had felt the convictions of their heart growing to belie the professions of their lips, the soldiers who wanted to know finally for what they were fighting, hailed the Declaration with joy. It was read in courts and council halls, on public squares and village greens, from pulpits and platforms. It was received with processions, banquets, and salvos of cannon. In Phila-

delphia the people tore down the "late King's" arms from the State House and burned them in a bonfire on Independence Square. In New York the troops and citizens together, after hearing the Declaration read, proceeded to Bowling Green and dragged down the leaden equestrian statue of George III, which was melted up into bullets for patriot rifles. The citizens of Savannah, after a day of feasting, burned George III in effigy and read a mock funeral service over his grave. Uncertainties, timidities, inconsistencies were removed. The issue was clearly defined and the battle fairly joined. On July 9 George Washington published the Declaration to his army in New York with the following order: "The General hopes that this important event will serve as an incentive to every officer and soldier to act with fidelity and courage, as knowing now that the peace and safety of his country depend, under God, solely on the success of our arms." It is said that the *Marseillaise* was worth ten thousand men to the Jacobin generals of the French Revolution. Who shall say how many regiments the Declaration of Independence was worth to the great patriot who bore the burden of our tottering cause from Brooklyn Heights to Yorktown!

One other service of far-reaching importance the Declaration rendered to the American cause. It was a stroke of diplomacy. So long as we were fighting to reform the British Empire, the secret commit-

tee on foreign correspondence appointed by Congress on November 29, 1775, could hardly expect any aid from European nations. But when the cause which we submitted to a "candid world" took the form of independence help came. As soon as Louis XVI's government heard that the American colonies had declared themselves free it proposed that France and Spain should begin war against Great Britain. Men and money began to come to us from France. In October our agent in Paris, Silas Deane, could ship to America a large amount of ammunition, thirty thousand muskets, and clothing for twenty thousand soldiers. The commission from the independent United States of America, which superseded Deane's agency in Paris at the close of 1776, made steady progress toward the negotiation of our first treaties of alliance and commerce. Jefferson had been asked to serve on this commission with Franklin and Deane, but another service, which we shall study in our next chapter, appealed to him with a clearer call, and Arthur Lee was substituted in his place. That foreign nations helped us for the destruction of the British Empire rather than for the establishment of the American Republic did not affect the value of their aid. What that value was every student of the American Revolution knows. Whether or not we should have eventually established our independence without the help of France it is impossible to say. So judicious a

scholar as Mr. Lecky believes that most of the States would have given up the struggle without this help. Although New England and Virginia might have kept up a valiant but desperate resistance for a time, "the peace party would soon have gained the ascendancy and the colonies have been reunited to the mother country."

The Declaration of Independence was a fitting climax to Jefferson's splendid campaign for political freedom, and would alone suffice to place him high in the honor-roll of the founders of the American state. It was a masterly condensation of the *Summary View* and the *Reply to Lord North*, thrown into the form of a stirring manifesto to the American people and the world at large. And its influence on America and the world at large has been beyond calculation. Even England herself, led astray for the moment by false counsels, was helped by its plain and ruthless lesson to regain the path of justice; for the Declaration was an appeal from an England badly governed to an England to be better governed. It was the voice of Milton speaking again. There is no need to introduce Rousseau and the French philosophers of the eighteenth century to explain Jefferson's language. "The natural rights of man" was a doctrine as old as the Roman law, and "government by consent of the governed" was the principle for which the "republicans" of the seventeenth century had fought their battle of four-

score years against the Stuart kings. It is doubtful whether Jefferson had read a word of Rousseau's *Contrat social* in 1776, but for a decade he had been a profound student of Coke and Milton, of Harrington and Locke.¹

To the end of his long career of varied service to the American Republic Jefferson continued faithful to the doctrine of government by the consent of the governed, of confidence in the people to shape their own political destinies, of liberty as a gift of God and not a grant from monarchs. On the approach of the fiftieth anniversary of the Declaration of Independence the city of Washington invited Jefferson to take part in its celebration. He had entered his eighty-fourth year and was too feeble to accept the invitation. But in his letter of regret written to Mayor Weightman on June 24, 1826—the last letter of his life—he renewed his pledge to the doctrines of the immortal Declaration and summoned his countrymen to “an undiminished devotion” to its principles: “May it be to the world what I believe it will be (to some parts sooner, to others later, but finally to all), the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind

¹ The influence of John Locke's *Two Treatises on Government*, published at the time of the English revolution of 1688–9, is traceable even to words and phrases in the Declaration. Compare the examples cited from Locke's second *Treatise* by Professor Channing, in his *History of the United States*, vol. III, p. 10.

themselves, and to assume the blessings and security of self-government.”

On the granite obelisk which he had chosen for his monument, Jefferson asked to have three of his services to the cause of liberty inscribed. The first was: **AUTHOR OF THE DECLARATION OF AMERICAN INDEPENDENCE.**

CHAPTER III

THE REFORM OF THE VIRGINIA CODE

The Gothic idea that we are to look backwards instead of forwards for the improvement of the human mind, and to recur to the annals of our ancestors for what is most perfect in government, in religion, and in learning, is worthy of those bigots in religion and government by whom it has been recommended, and whose purpose it would answer. (Jefferson to Joseph Priestley, January 27, 1800.)

“LIBERTY and union, now and forever, one and inseparable!” Since Daniel Webster pronounced the marriage banns between liberty and union, and Abraham Lincoln stopped the action for divorce, the tie has remained consecrated and inviolable in our American democracy. But Liberty was a jealous maiden, needing many years of wooing before she would consent to Union, and dwelling long even after her grudging consent was given on the fear of “losing her freedom.” It was liberty, not union, for which our fathers fought in the Revolution. Union was the necessary means, for unless the patriots of Massachusetts and Virginia, of Pennsylvania and Georgia, made common cause, they could not hope to win. But the union was only the sum of its parts, a federation, and the Congress a central board of direction, without any specified powers or sanctioned authority, until a few months before the

British surrender at Yorktown. Even for eight years afterward it was without the fundamental sovereign rights of taxation and executive authority. There was no *national government* during the American Revolution and the "critical period" which followed, but only a national committee convened by the governments of the States. There was no supreme national state, but only a consensus of the States. If Congress actually assumed great powers, raised and equipped armies, declared independence, borrowed money, and concluded treaties, it was only as the steward of the interests of the States and in some cases by their explicit mandate. The Congress of the Confederation exercised only powers of attorney.

Unless we realize these facts we shall misunderstand the spirit and misjudge the men of the early years of our history. "Citizenship," "patriotism," "allegiance," and the like terms, which inevitably mean for us *American* citizenship, patriotism, and allegiance, had a different signification before our national state was firmly founded, before we had a national domain, before our national courts administered a national law impartially throughout our land, before a powerful national executive was chosen by a nation-wide franchise to conduct the government, not of a majority of the States nor even of the sum of the States, but of a new, independent, and autonomous United States. In the early days there

were citizens of New Hampshire, of New York, of Virginia, of South Carolina, attached by long tradition to their colonial institutions, and owing a larger but remote allegiance only to a King or Parliament across the ocean. Their "land" was not England, however, nor yet America, but the particular colony in which they lived. In his *Notes on Virginia*, published just at the close of the American Revolution, Jefferson constantly speaks of Virginia as "my country." When the breach with England came, the most immediate and urgent duty of patriots, next to vindicating their independence in arms, was to reshape the government of their new-fledged "States" to accord with the political principles which had been developing in the American mind since the publication in 1762 of James Otis's *Vindication of the Conduct of the House of Representatives of the Province of Massachusetts Bay*.

In no other State was the need of reform more crying than in Virginia. New England, often aristocratic and intolerant enough in practice, had, nevertheless, the seeds of democratic institutions in its founding. "I can give you the receipt for making a New England in Virginia," said John Adams one day at dinner to a friend from the Old Dominion who was bewailing its conservatism—"town-meetings, training days, schools, and ministers." The Middle States, with their cosmopolitan population, their commercial preoccupations, their religious va-

riations, escaped the cramping mould of a social type-form. But Virginia was social England transplanted. The Old Dominion, "most faithful of the King's distant children," as Charles II called it, clung tenaciously to its habits when its children came of age. Estates were held in "fee tail": that is, not an acre or a slave could be alienated to pay the debt which might hang like a millstone about the neck of an incompetent or extravagant proprietor. The law of primogeniture devised the entire property to the eldest son, leaving his mother and sisters dependent on his bounty and condemning the younger brothers to be pensioners or adventurers. The landed aristocracy lacked only the titles of their English cousins to be a complete caste. Between them and the negroes were only the "poor whites," a miserable class pushed by the rich planters into the unfertile uplands and excluded by the slaves from the dignified diversity of labor. A solid middle class, industrious, inventive, educated, conscious of its freedom, sharing equitably in the soil, the bone and marrow of a community, was lacking.

Stupid and cruel laws stood on the statute-books of Virginia, laws the more cruel and stupid because the exercise of the royal veto in the colony had discouraged the efforts for reform. Jefferson speaks bitterly in his *Memoir* of the "negations (vetoes) of councils, governors, and kings," to restrain us from doing right. Twenty-three acts against the slave-

trade were passed by the Virginia House of Burgesses between the years 1699 and 1772, and every one of them was vetoed by the King or by his governor in the colony. There were laws against witchcraft, laws for the ducking of women and the infliction of the barbarous punishment of the *lex talionis*—"an eye for an eye, a tooth for a tooth." There were heresy laws which, if enforced, would have brought Thomas Jefferson to the stake. To deny the Trinity meant three years' imprisonment. A Unitarian or a freethinker was considered unfit to be the custodian of his own children. "I want to breathe again your free air," wrote young James Madison to a northern friend after he had returned to Virginia from Princeton College. He cried out against "the diabolical, hell-conceived principle of persecution" that "raged" among the clergy of his native State, and declared that the King would reduce all America to submission if the Church of England were established and endowed in all the colonies as it was in Virginia.

The reform of the political and social institutions of his "country," in such glaring contradiction to the republican principles which he himself and a score of other able writers, like Otis, the Adamses, Dickinson, Hopkins, and Bland, had made the accepted doctrine of the American Revolution, appealed to Jefferson with irresistible force. He threw himself into the work with unflagging zeal, seizing

"the laboring oar." In September he resigned the seat in Congress to which he had been re-elected, and on October 7 entered the Virginia house of delegates, the first legislature of the State convened under its new constitution.¹ The day he took his seat a messenger from Congress arrived at Williamsburg, with the flattering invitation for him to join Franklin and Deane at Paris in a mission to seek aid from France and other European countries. Jefferson wanted very much to go. The attractions of the "capital city of the world," its music, art, letters, and science, appealed strongly to the refined tastes and insatiable mental curiosity of the young man of thirty-three. He considered the offer three days,

¹ The Virginia constitution of 1776, with the noble bill of rights accompanying it, was drawn by George Mason. Jefferson was in Congress at the time and serving on several committees; but he found time to write the full draft of a constitution for Virginia, which he forwarded to the convention at Richmond by his friend George Wythe. It arrived on the very day that Mason's draft, after several weeks of debate, "inch by inch," was finally reported to the house, and the committee was unwilling, "from mere lassitude," as Jefferson says, to reopen the debates on the subject. However, they liked Jefferson's preamble so well that they "tacked it on the work of George Mason." Jefferson's draft was lost for a hundred years. It is published in full in P. L. Ford's edition of Jefferson's *Writings* (vol. II, pp. 7-30), and it is well worth study both as a foretaste of the legislation which Jefferson introduced into the house and as an illustration of his jealousy of the executive power. Jefferson thought that a new convention should have been convened with specified constituent powers for so serious a matter as framing a new State constitution. In view of the development of the doctrine of "States' rights" in the South, it is a fact of curious interest that a Virginia member, Ludwell Lee, proposed in 1776 that Congress should "prepare a uniform plan for the governments in America to be approved by the colonies" (States).

and then resolutely put the noble temptation behind him. He had put his hand to the plough to break up the hard and stubborn soil of generations of feudal privilege and aristocratic caste in his beloved "country" of Virginia; and having put his hand to the plough he would not turn back. "When I left Congress in 1776," he says in his *Memoir*, "it was in the persuasion that our whole code must be reviewed, adapted to our republican form of government, and . . . corrected in all its parts, with a single eye to reason and the good of those for whose government it was framed."

On October 11 Jefferson was appointed on several important committees of the legislature, and the next day he obtained leave to introduce a "Bill to enable tenants in tail to convey their lands in fee simple." The bill was passed. "It was the first great blow at the aristocratic class in Virginia," which had been based on the transmission of undivided estates from one generation to the next. It had formed, says Jefferson, "a patrician order distinguished by the splendor and luxury of their establishments," an order from which "the King habitually selected his counsellors of state." "To annul this privilege and instead of an aristocracy of wealth . . . to make an opening for the aristocracy of virtue and talent, which nature has wisely provided for the direction of the interests of society and scattered with equal hand through all its con-

ditions, was deemed essential to a well-ordered republic.”¹ With entails went the allied institution of primogeniture. Pendleton, in behalf of the old families of Virginia, pleaded that the eldest son might have at least double the portion of the younger ones, but Jefferson was inexorable: not unless the eldest son needed a double portion of food, he said, or did a double portion of work!

The social revolution wrought by this legislation was complete. It threw every acre of land and every slave in Virginia into the economic current of exchange and put all heirs on an equality. The old Virginia families were attached to their estates with a religious devotion. “They had come chiefly from the country districts of England,” says Shaler, “and their absorbing passion was the possession of land.” There is a story that John Randolph of Roanoke set his dogs on a man who came to ask the price of the estate. The thought of any of the beloved acres of Tuckahoe or Mount Vernon or Rosewell or Gunston Hall going into the hands of a stranger was like treason or profanation. The aristocrats of Virginia, among them some of his own kin on his mother’s side, never forgave Jefferson for this

¹ It is only an instance of the depreciatory tone in which certain historians still deal with Jefferson, when J. T. Morse cites this simple, straightforward statement as written in “Jefferson’s grandiose, humanitarian, and self-laudatory vein.” Humanitarian it may be—the more the credit!—but what there is grandiose or self-laudatory about it is hard to see.

legislation, put through the house by the influence of the democracy of the counties back of the tide-water. There were even those who, adding a Bourbon piety to a Bourbon pride, declared that the death of Jefferson's only son in infancy (1777) was a "judgment of God" upon him; and fifty years later, when Virginia was declining in economic prestige before the rising manufactures of the North, there were still belated Cassandras harping on the ruin to the State caused by Jefferson's abolition of entail and primogeniture.

It would take us far beyond the limits of this brief biography to give even the merest outline of the manifold activities of Jefferson in the new Virginia Legislature of 1776. In the opening month of October, for example, besides elaborating the laws on entails and descent, he served on committees dealing with naturalization laws, the definition of treason, the location of the capital, the encouragement of manufactures, the improvement of navigation, the organization of courts, the regulation of the militia, the refining of the currency. There were two of these October committees, however, on which Jefferson's work was so significant and lasting that we must devote a few pages to them—the standing committee "of religion," appointed October 11, and the committee, chosen in pursuance of Jefferson's bill of October 24, for the "revision of the laws."

Religion was in a parlous state in Virginia. The Episcopal Church was established by law, endowed with lands (glebes), and supported by taxes (tithes). Secure in their position, the clergy performed their Sunday duties in a proper and perfunctory fashion, paying little attention to either religion or charities during the week. They were, as some one remarked, "a gentleman's club." "Against this inactivity," says Jefferson, "the zeal and industry of the sectarian (especially the Baptist) preachers had an open and undisputed field; and by the time of the Revolution a majority of the inhabitants of the colony had become dissenters from the established church, but were still obliged to pay contributions to support the pastors of the minority." The legislature of 1776 was "crowded with petitions to abolish this spiritual tyranny." Jefferson wanted full religious liberty and a complete separation of church and state; but the powers of the establishment were too strong. If the majority of the inhabitants were dissenters, the majority of the legislature were churchmen. After a bitter fight of two months, all that the radicals could obtain was a repeal of the laws making heresy or absence from worship a crime and forcing dissenters to contribute to the support of the church. Jefferson kept up the fight, however, from session to session, until in the summer of 1779 the Anglican Church was disestablished. Another seven years passed before the man

on whom Jefferson's mantle fell in the Virginia Legislature, James Madison, was able to get the bill for religious liberty passed.

This famous bill was drawn by Jefferson in June, 1779, and watched through all its fortunes with jealous care. Jefferson was our minister in Paris when the bill finally passed in 1786. He had it printed in both English and French and circulated as a pamphlet. It was received with great enthusiasm in Europe. And well it might be! For although there were lands in which religious persecution had wholly ceased in western Europe, there was no sovereign state in Christendom in the year 1786 that had formally proclaimed in its laws the absolute religious freedom of every one of its citizens. The honor of making that declaration to the world was Virginia's—and Thomas Jefferson's.¹ The second of the three services which Jefferson asked to have engraved on his monument was: AUTHOR OF THE STATUTE OF VIRGINIA FOR RELIGIOUS FREEDOM.

The magnificent language of this statute, though

¹ Some of the foremost men of Virginia in the struggle for political liberty were opposed to the radical religious programme of Jefferson, Madison, and Monroe. Henry and R. H. Lee both believed with the clergy that religion would be destroyed "without a legal obligation to contribute something to its support." Washington wrote Mason in 1785: "Although no man's sentiments are more opposed to any kind of restraint upon religious principles than mine are, yet I confess I am not among the number of those who are so much alarmed at making men pay toward the support of that which they profess."

unfortunately it must be somewhat abbreviated, shall stand here without paraphrase or comment:

Well aware that the opinions and beliefs of men depend not on their own will, but follow involuntarily the evidence proposed to their minds; that Almighty God hath created the mind free, and manifested his supreme will that free it shall remain, by making it altogether insusceptible of restraint; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness; . . . that the impious presumption of legislature and ruler, civil as well as ecclesiastical, who being themselves but fallible and uninspired men, have assumed dominion over the faith of others . . . hath established and maintained false religions over the greatest part of the world and thro' all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical; . . . that our civil rights have no dependence on our religious opinions any more than on our opinions in physics or geometry; . . . that the opinions of men are not the object of civil government, nor under its jurisdiction; . . . that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order; and finally that truth is great and will prevail if left to herself . . . errors ceasing to be dangerous when it is permitted freely to contradict them: We the General Assembly of Virginia do enact that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, or shall otherwise suffer on account of his religious opinions

or beliefs; but that all men shall be free to profess and by argument to maintain their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.”

The Jeffersonian principle of religious freedom was introduced into the Constitution of the United States by the First Amendment, chiefly through the efforts of James Madison, and for half a century it furnished the progressive men of every State the inspiration and arguments for religious emancipation, until civil authority and religious conformity were divorced in every part of the Union. We regard religious liberty as a natural right to-day, and look on it as intolerable that any man should presume to have in his keeping the conscience of another. Yet this was not so when Jefferson began his liberating work a century and a half ago. It is often the greatest benefits that we requite with the least gratitude, because they are just the ones which we can least imagine ourselves being without. No invention of science, no creation of art, no reform of politics can compare in importance for the human race with freedom of conscience.

We have seen that Jefferson's avowed object in leaving Congress for a seat in the Virginia Legislature was the reform of the entire law code of his State, “with a single eye to reason and the good of those for whose government it was framed.” In November, 1776, a committee of revision was appointed,

consisting of Jefferson, Pendleton, Wythe, Mason, and T. L. Lee. They met at Fredericksburg early in January to agree on the principles of revision and to portion out the work among themselves. When they came to the actual work of revision, however, Mason and Lee resigned from the committee because they were not lawyers, and the whole work fell upon the other three. Jefferson's burden was, as usual, the heaviest. To him was assigned the whole field of the common law and statutes of England down to the foundation of the colony of Virginia in 1607. The British statutes from 1607 to the end of the colonial period were assigned to Wythe and the Virginia laws during the same period to Pendleton. After two full years' work in their respective fields, the committee met at Williamsburg in February, 1779, and went over the results together, "day by day, sentence by sentence, scrutinizing and amending" until they had agreed upon the whole. On June 18, 1779, they presented the result to the legislature in one hundred and twenty-six bills, "making a printed folio of ninety-two pages."

This elaborate draft of one hundred and twenty-six bills was never acted on as a whole, but "some bills," as Jefferson says in his *Memoir*, "were taken out occasionally . . . and passed." The interruption of the work of legislative reform was chiefly due to the turn which the Revolutionary War had taken.

The British, defeated in their campaign for the Hudson and driven to extreme measures by the alliance between America and France, had transferred the seat of war to the Southern States. General Prevost seized Savannah in December, 1778, and proceeded to the conquest of South Carolina. Just at the moment that the revisers were presenting their report to the Virginia Legislature, General Lincoln was hastening to save Charleston. The Carolinas and Georgia looked to the rich and populous State of Virginia to help them. Food, horses, ammunition, men, and guns were generously sent by the legislature at Williamsburg. Then came the invasion of Virginia itself, the raids of Leslie and Arnold heralding the campaign of Cornwallis, which brought the active hostilities of the Revolution to an end on the Virginia peninsula of Yorktown. *Inter arma silent leges*. When peace came, and the recovery from the ravages of war, the unfinished business of legal reform was renewed. Jefferson was no longer in the legislature, but his faithful lieutenant, Madison, by his "unwearied exertions" got most of the important bills through. It happened, as with every extensive plan of reform, that some measures were adopted at once, some were temporarily defeated only to triumph later over conservative opposition, and some were dismissed finally into the realm of the utopian. The successful measures included the abolition of the slave-trade, the laws for the recovery

of debts, for the organization of the courts, and for the reform of the penal code. By the latter the death penalty for twenty-seven felonies was abolished, and by a later addition (1796) the barbarous features of the *lex talionis* were stricken from the Virginia code.

On the other hand, two projects of reform which Jefferson cherished equally with religious emancipation and the abolition of entails were doomed to utter defeat. Jefferson was a consistent antislavery man. When he entered the House of Burgesses in 1769, he tells us in his *Memoir*, his first act was an effort to secure the passage of a bill permitting masters to emancipate their slaves at will.¹ We have seen how in the original draft of the Declaration of Independence he arraigned George III for his part in fixing slavery on the colony of Virginia. Now that Virginia was free from royal control he hoped his countrymen would abolish the evil entirely. But he was doomed to disappointment. The committee on revision refused to report a bill in favor of emancipation and would only agree to the form of an amendment to be offered to the legislature in case such a bill should be taken up. This singular amendment, unmistakably from Jefferson's pen, provided that the children born of slave mothers "should con-

¹ A colonial statute of 1729 provided that no slave should be set free "on any pretence whatsoever, except for some meritorious services, to be adjudged and allowed by the Governor and Council."

tinue with their parents to a certain age, then be brought up at public expense, to tillage, arts or sciences, according to their geniuses, till the females should be eighteen and the males twenty-one years of age"; then they should be sent out in colonies to some "proper place" [a West Indian island] furnished with arms, live stock, seeds, tools, etc., by the government, and taken under the protection of the State until they were strong enough to care for themselves. This quixotic plan was never even debated. Writing nearly a half a century later, under the ominous peace of the Missouri Compromise, Jefferson says of his emancipation plan: "It was found that the public mind would not bear the proposition, nor will it bear it even to this day (1821). Yet the day is not distant when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate than that these people are to be free."

Another project which was dear to Jefferson's heart, but which the "public mind" of Virginia "would not yet bear," was a general system of education. The bills which he prepared on this subject at the request of his colleagues on the board of revisers called for the institution of primary and secondary schools all over the State. At the same time the College of William and Mary, whose curriculum was confined to theology, philosophy, and the classics, was to be enlarged into a State univer-

sity with ample provision for history, modern languages, and applied mathematics and science. And finally the sum of two thousand pounds a year was to be set apart by the legislature for the establishment and maintenance of a free public library at Richmond.

The education bills were not acted on until 1796, and then "only so much of the first as provided for elementary schools," whose establishment was left optional with the courts of each county. Little was done, naturally, under this system of local option, for public education in Virginia. The piedmont counties were poor, and the large dissenting population in them was jealous of the supervision of overseers and visitors who were required by law to be churchmen. The tide-water counties were "aristocratic," without any conviction of the necessity or expediency of educating the "lower classes" beyond their station. In spite of the defeat of his projects, however, Jefferson never lost a grain of his faith in the mission of education to ameliorate the condition of the people at large. Like the warning against the danger of perpetuating negro slavery, this other warning against the evils of an uneducated populace runs through his writings. "If a nation expects to be ignorant and free, in a state of civilization," he wrote to Charles Yancey in 1816, "it expects what never was and never will be."

After he had done with the cares of office and re-

turned to Monticello to spend the declining years of life, Jefferson bent his best energies to the creation of a State university which should be a model for institutions of higher learning throughout the land. The results of his efforts of a half a century in the cause of education were so important both for his own State and for the country at large that we shall return to the subject in a later chapter. Here we simply record the eventual triumph of the project which failed so signally in the meagre legislation which the friends of education could wring from the Virginia Legislature before the nineteenth century.

Jefferson thought of the revision of the Virginia laws as a contribution to a definite social reform of the State, especially in the major bills on entail, primogeniture, religious freedom, and public education. Referring to them, he says in his *Memoir*: "I considered four of these bills, passed or reported, as forming a system by which every fibre would be eradicated of an antient or future aristocracy, and a foundation laid for a government truly republican." We have seen that his program was only imperfectly realized. It was utopian in parts; it was everywhere boldly and bravely optimistic. It failed in many of its recommendations; but its significance is not finally in the success or failure of this or that particular bill. James Bryce, in his lecture on "Jefferson and the Constitution," says truly: "Jefferson's influence has been on the spirit of the people

and their attitude towards institutions rather than on the formation of institutions themselves." To the mind that finds it difficult to appreciate such imponderable influences, Jefferson seems like a dreamer dwelling in a fool's paradise of optimism or blocking the path of efficient government with exasperating political scruples. "He died as he had lived," says Oliver, "in the odor of phrases." That is the way principles appear to some minds.

Jefferson's work as a reformer of the laws and customs of old Virginia has been far too little noticed by his biographers. This lies partly, no doubt, in the comparative indifference of the Northern scholars who have written most of our histories to the development of local institutions in the South. "If Jefferson had done his [legal] work east of the Hudson or north of the Susquehanna," writes a member of the Virginia bar, "he would be rated far higher among the greatest legal minds America has produced." To my mind, however, the neglect of Jefferson as a legislator and reformer is due far more to the overemphasis of his work as a party organizer and politician. He is far better known as the antagonist of Hamilton than as the colleague of Wythe and Pendleton. And yet, while we may not allow a man to be the final judge of his own character, it is only fair to respect his estimate of his own accomplishments, especially when he makes that estimate calmly and reflectively at the end of a

long life. In a pathetic little passage stitched into his *Memoir* on a memorandum leaf, Jefferson says: "I have sometimes asked myself whether my country is better for my having lived at all. I do not know that it is. I have been the instrument of doing the following things—but they would have been done by others, some of them, perhaps, a little better." The things he goes on to mention are just these reforms which we have been studying. In a list of ten services, only one is national and political in its nature—the Declaration of Independence. The others are reforms—religious, economic, penal, educational, agrarian, fiscal—which he accomplished, or strove to accomplish, for his "country" of Virginia. He does not mention the Louisiana Purchase, but recalls with satisfaction the improvement of the navigation of the Rivanna. He omits the triumph over the Federalists in the great battle of 1800, but dwells with pride on the introduction into Virginia of a better quality of rice from Lombardy.

When we remember that Virginia was the largest and richest State in the Union during the first generation of our history under the Constitution, that she furnished four out of our first five Presidents, that her influence was enormous on the States to the south of her and considerable on the States to the north, we realize what it meant, not for Virginia alone, but for our whole country, that the stamp of Thomas Jefferson's liberalism was put on the insti-

tutions of the Old Dominion in the critical years just following our independence. His was the first law in the modern world sanctioning expatriation. His was the first law of a slave state abolishing the slave-trade. His was the first law of modern times apportioning punishment to crime on a rational and humane principle. His was the first conception in our country of a free university as a "group of faculties" in which the elective system prevailed. His was the first formal declaration of complete religious liberty by a sovereign state in the history of the world. For half a century the influence of his work for Virginia was spread abroad—his educational ideas to Michigan, Missouri, Massachusetts, Maine, and Kentucky; his antislavery principles to the Northwest Territory; his elective system to Harvard; his liberal ideas of citizenship to the nation. New York followed Virginia's lead in the abolition of entails in 1782, North Carolina in 1784, Kentucky in 1796, New Jersey in 1820. Far down into the nineteenth century broad-minded men in every State were drawing on Jefferson's arguments, citing his letters, quoting the forceful passages of his *Notes on Virginia*, and the preamble to his bill for religious freedom, until all over our republic there was vindicated the simple but hard-won truth that "the opinions of men are not the object of civil government nor under its jurisdiction."

As a politician Jefferson appears to some as crafty

and oversubtle. Others regard him as a feeble and counsel-reft executive. His fundamental political principle of trust in a people trained to mistrust its governors seems to many open to grave objections on the grounds of both policy and wisdom. But as a liberalizing and liberating influence on the spirit of the American people he stands without a peer until the advent of Abraham Lincoln. Napoleon Bonaparte said: "I shall go down to posterity with the Code in my hand." How much more finely could Jefferson say this! For the code of Napoleon was order, but the code of Thomas Jefferson was order *and liberty*.

CHAPTER IV

JEFFERSON AS WAR GOVERNOR

We consider ourselves bound in honor, as well as interest, to share one general fate with our sister colonies; and we should hold ourselves base deserters of that union to which we have acceded, were we to agree on any measures distinct and apart from them. (Address from Virginia Burgesses to Governor Dunmore, June 12, 1775.)

A FEW days before the committee of revisers made their report to the legislature, Jefferson was chosen governor of Virginia to succeed Patrick Henry, who had served for three consecutive annual terms since the State became a free republic. Jefferson occupied the office for two years, from June, 1779, to June, 1781—two years which, with the possible exception of the closing years of his presidency, were the most irksome period of his whole public life. In his *Memoir*, after devoting twenty pages to the work of the law revision, he passes over the governorship in silence, alleging as his reason that to write his own history during those two years would be but to duplicate the histories of the State already written. But we may suspect that it was more than a scruple against furnishing a redundancy of historical material that made Jefferson so reticent during his whole life on the sub-

ject of his gubernatorial office. His sensitive nature shrank from controversy. Accused of timidity, vacillation, incapacity, and even personal cowardice in his high office, he made a dignified defense before the legislature, which won a unanimous vote of confidence in his "ability, rectitude and integrity as chief magistrate of the Commonwealth," and left further vindication of his behavior to his friendly biographers. The task has been performed with pious and laborious devotion by Mr. Randall, who, in over a hundred and twenty large octavo pages, sifts every ugly charge, and succeeds, even in the opinion of the acrid Morse, in "establishing a satisfactory defense" of his hero, albeit the facts and arguments have to be "rescued dripping from a sea of rhetoric and fine writing."

The year 1779 was ominous for the States south of the Potomac. Defeated in their endeavor to occupy the Hudson-Champlain line of communication with Canada, exasperated by the consequent alliance of the French King with the rebellious Americans, forced to evacuate the "capital" of Philadelphia for want of proper defenses in Delaware Bay against the appearance of a French fleet, the British had decided to transfer their military operations to the south and to prosecute them with a ruthlessness which contrasted strangely with the dilatory and urbane assaults of Howe, Burgoyne, and Clinton. "The whole contest is changed," ran

the proclamation issued by the English commissioners in October, 1778; "the policy as well as the benevolence of Great Britain has thus far checked the extremes of war, where they tended to distress a people still considered as our fellow-subjects, and to desolate a country shortly to become a source of mutual advantage. But when that country professes the unnatural design of mortgaging herself to our enemies . . . the question is how far Great Britain by every means in her power may destroy or render useless a connection contrived for her ruin and for the aggrandizement of France." Thus the policy of "frightfulness" was announced.

Savannah was taken by the British in December, 1778, and the entire defenseless State of Georgia thereby put at the mercy of the invader. The British moved on to Charleston from the south, while General Clinton detached two thousand men from his army in New Jersey to ravage the coast of Virginia. It was under the shadow of these calamities that Jefferson took the oath as governor of Virginia.

The condition of the State was precarious. Broad rivers running through the flat lands of the tide-water emptied along an extensive coast line in Chesapeake Bay, and offered the opportunity for vessels of several hundred tons to ascend far into the interior of the State. There were no mountain fastnesses, caves, and lairs to offer a small guerilla

force the protection whence they could sally forth to harass large numbers of invaders. The State had but four vessels of war. Its militia of fifty thousand men, an average of one man to the square mile, was scattered and ill-equipped. Jefferson doubted if there were more than one gun to every four or five soldiers. The immense region stretching like an opening wedge westward to the Mississippi and northward to Lake Superior was still a part of Virginia according to the interpretation of the royal charter of 1609, and its defense against the Indians incited by the British commander at Detroit was a heavy drain on the resources of the State.

To place the Virginia coast in a state of defense against raids while the British held control of the seas was a task which ten times the resources of the State in men and money would not have been able to accomplish. Nor was it expected. The British landed where they would, from Boston to Savannah. All that could be done was to check their progress inland and to prevent the junction of their forces. The military genius of Washington himself, with the continental army at his back, could do no more; and he knew that the civilian governor of a State, with a scanty militia to rely on, must perforce do even less. All his correspondence with Jefferson during the war shows that he accepted this inevitable menace of invasion with equanimity, or at

least with resignation. He only suggested that Jefferson might do something for the defense of the State in constructing boats to prevent the enemy "from being able to move up and down the rivers in small parties."

But even if Jefferson had had the whole body of the militia of Virginia at his disposal on the lower James, these troops could not have been employed, consistently with the policy of the American strategy, in defending Virginia. The common cause demanded the application of such forces as the States could muster to the points of common danger. The descent of a British raiding-party on Portsmouth or Suffolk or Richmond was a slight calamity as compared with the total subjugation of the Carolinas by Cornwallis and his "hunting leopard," Tarleton. For the loss of the Carolinas meant the invasion of Virginia in force. The Old Dominion fought best for her own life out beyond her borders. "The evils you have to apprehend from these predatory excursions," wrote Washington to Jefferson after the severe raid of 1781, "are not to be compared to the injury to the common cause and with the danger to your own state in particular, from the conquest of the states to the southward of you. I am persuaded that the attention to your immediate safety will not divert you from the measures intended to reinforce the southern army." Washington was even convinced that the raid on Virginia was only

intended as a diversion to relieve Cornwallis by the withdrawal of Virginia troops from Greene's army in the South. According to the commander-in-chief of the American army, then, Virginia's first duty was to pour her aid into the Carolinas and "keep the weight of war at a distance from her."

This duty Virginia performed nobly. From her stores of grain, vegetables, pork, wagons, horses, and men she contributed liberally. When Charleston capitulated to the British in May, 1780, the Virginia Legislature sent seven hundred militiamen to strengthen the regular army, established munition works and public stores, and authorized impressments of foodstuffs and military supplies. Jefferson's own horses and wagons were among the first taken. The ill-starred Gates assumed command of the Southern army in the summer of 1780. From his appearance in Richmond early in July to his disastrous defeat at Camden on the 16th of August, he received noble support from Virginia. On August 4 Jefferson wrote him that cartridge-boxes, bayonet-belts, axes, beef, ammunition, and arms were being forwarded to his troops. After the disaster of the 16th (a disaster which was precipitated by the panic of the raw militia from Virginia) Jefferson, though "extremely mortified" by the conduct of the troops, only made the more strenuous efforts to repair the evil. "Instead of considering what is past," he wrote to the com-

mander of the Virginian troops in Gates's army, "we are to look forward and prepare for the future." To Gates himself he wrote, promising more (and let us hope better) men, "three thousand stand of arms, and military stores." "Our treasury is utterly exhausted," he adds, "and cannot be replenished until the assembly meets in October. We might, however, furnish considerable quantities of provisions, were it possible to convey it to you. We shall immediately send an agent into the southern counties to collect and forward all he can." "It could not be expected," he generously wrote to Madison in the midsummer of 1780, "that North Carolina, which contains but one tenth of the American militia, should be left to support the Southern War alone."

So Virginia sent off her men and supplies to stay the tide of invasion rolling up from the south, well knowing to what peril she was exposing herself in case the invasion could not be checked.

Ten thousand Virginia troops, including regulars and militia, were in the armies north and south of the State. As the year 1780 drew to a close the mind of the governor was fixed, where the commander-in-chief had urged him to fix it, on the war beyond his borders. Jefferson wrote on Christmas eve to the lieutenants of the counties of Hampshire and Berkeley: "A powerful army forming by our enemies in the south, and an extensive combination

of savages in the west, will probably render the ensuing campaign exceedingly active, and particularly call forth the exertions of this state. It is our duty to look forward in time and to make proper division of our force between these two objects."

It was under these trying circumstances that the blow of invasion fell on Virginia. Some eighteen hundred men in twenty-seven ships commanded by the traitor Benedict Arnold appeared suddenly in Chesapeake Bay. We can do no better than to transcribe a few sentences on the event from Jefferson's own diary:

Saturday, Dec. 30, 1780. Eight o'clock a.m. Received first intelligence that twenty-seven sail were, on the morning of Dec. 29, just below Willoughby's Point. Sent General Nelson with full powers.

Jan. 1, 1781. No intelligence.

Jan. 2d, ten o'clock a.m. Information from N. Burwell that their advance was at Warrasqueak Bay. Gave orders for militia, a quarter from some, a half from other counties. Assembly rose.

. . . Thursday, Jan. 4th, five o'clock a.m. Called whole militia from adjacent counties. I was then anxious to know whether they would pass Westover or not, as that would show the side they would land. . . . Five o'clock p.m. Learned by Capt. De Ponthere that at 2 o'clock p.m. they were drawn up at Westover. Then ordered arms, stores etc. to be thrown across the river at Richmond; and at half-past seven o'clock p.m. set out to the foundry and Westham . . . to see everything waggoned from the magazine and laboratory to Westham and

there thrown over [the river] to work all night. The enemy encamped at Four-Mile Creek.

Jan. 5. . . . Went myself to Westham; gave orders for withdrawing ammunition and arms (which lay exposed on the bank to the effect of artillery from the opposite shore) behind a point. Then went to Manchester. Had a view of the enemy. My horse sank under me with fatigue. Borrowed one, went to Chetwoods, appointed by Baron Steuben as a rendezvous and head-quarters. . . . The enemy arrived at Richmond at one o'clock p.m. One regiment of infantry and thirty horse proceeded without stopping to the foundry, burned that and the magazine. . . . They returned that evening to Richmond. Sent me a proposition to compound for property. Refused.

Jan. 6. In the morning they burned certain houses and stores, and at 12 o'clock that day left Richmond.

Jan. 7. Rained excessively the preceding night and continued to do so till about noon. Gibson has one thousand [militia], Steuben eight hundred, Davis two hundred, Nelson two hundred and fifty. . . .

Jan. 9. The enemy remain in their last encampment, except embarking their horse.

Jan. 10. At one o'clock p.m. They embark infantry and fall down the river.

Jefferson has received unmerciful censure for permitting this raid of Arnold's. Henry Lee ("Legion Harry") in his *Memoir of the War in the Southern Department of the United States*, declared that Virginia was not defended in 1781 because her public spirit was paralyzed by the "timidity and impotence of her rulers," and that a soldier of genius could

have preserved the State from insults and injuries "with 300 horse, 300 musketry, and a battalion of infantry." John Marshall, in his *Life of Washington*, upbraided Jefferson for neglect of warning: "So early as the 9th of December, 1780, a letter from Gen'l Washington announced to the Governor [Jefferson] that a large embarkation, supposed to be destined for the South, was about taking place at New York." And, following the lead of Lee and Marshall, modern historians have characterized Jefferson's behavior as "culpably remiss," "weak and vacillating," and "stupid." J. T. Morse even dismisses Jefferson's desperate efforts during four days to collect militia and save stores and lives with the sneering remark that "the enemy cared little for all his prancing to and fro on blooded steed or raw colt."

Jefferson was certainly not a "soldier of genius," but that he did all in his power to raise a defensive force of militia in the sorely drained State, as soon as he knew that the British ships were in the Chesapeake, no one who reads his letters to General Nelson or Baron Steuben or the county lieutenants can doubt: "That there may not be an instant's delay, let them come in detached parties, as they can be collected: every man who has arms bring them." The legislature adjourned January 2, in spite of his message to them the day before asking their advice. The members of the council went to their homes.

Jefferson was left alone to cope with the situation. He spent over eighty hours in the saddle ("prancing to and fro"), directing measures of safety which were wise and necessary. The militia, dispersed over a large tract of country, with wretched equipment and inadequate means of transportation, came in but slowly. Jefferson wrote to the president of Congress later that on the day the enemy reached Richmond "only 200 [militia] were embodied. They were of this town and too few to do anything." As the militia increased the enemy withdrew. "To what place they will point their next exertions we cannot conjecture," wrote Jefferson to Congress: "The whole country on the tide-waters and some distance from them is equally open to similar insult."

As to the "warning" Jefferson received from Washington, it was only a general circular letter sent to the various executives, and not at all, as Marshall's language implies, a special message to Jefferson that Virginia was about to be attacked. In fact, Washington had no idea what the destination of the rumored "embarkation" was. He wrote Baron Steuben on December 10: "It is reported from New York that the enemy are about to make another detachment . . . their destination conjectured to be southward." Certainly not a very urgent warning to the man who commanded the military forces of the State, under the governor, and

who was responsible for such defense as it could offer in case of invasion.

But the final justification of Jefferson's conduct is in the approbation of the commander-in-chief himself. Washington was not slow to discover and rebuke the slightest dereliction of duty. His wrath fell like a thunderbolt on everything that he considered cowardice or "culpable remissness." Yet he wrote Jefferson a few weeks after Arnold's invasion as follows: "It is mortifying to see so inconsiderable a party committing such extensive depredations with impunity, but considering the situation of your State, it is a matter of wonder that you have hitherto suffered so little molestation. I am apprehensive you will experience more in the future; nor should I be surprised if the enemy were to establish a post in Virginia till the season for opening the campaign here. But as the evils you have to apprehend from these predatory excursions are not to be compared to the common cause from the conquest of the States to the southward of you, I am persuaded the attention to your immediate safety will not divert you from the measures intended to stop the progress of the enemy in that quarter. The late accession of force makes them too powerful to be resisted without powerful succors from Virginia, and it is certainly her policy, as well as the interest of America, to keep the weight of war at a distance from her. There is no doubt that a

principal object of Arnold's operations is to make a diversion in favor of Cornwallis, and to remove this motive by disappointing the intention will be one of the surest ways of removing the enemy." A few days later, in a letter to Baron Steuben, Washington acknowledged that the evil which Virginia had suffered was a natural result of the substantial aid which the State was furnishing to General Greene in the South, and begged that Steuben would do everything in his power "to make the defence of the State interfere as little as possible with an object of so much the more importance as the danger is so much the greater." Washington was a son of Virginia, too.

Whether Greene would have been able after Guilford Court House to keep the whole South from submission to Cornwallis without the aid sent by Virginia is doubtful. The "northern bretheren" did not help. In fact the armies of North and South had little common direction. Washington, intent to the last on driving the British from New York, had to leave the Southern commanders to get on as best they could, and very often had only the most scanty and belated news of their fortunes. Both Gates and Greene looked to Virginia rather than to New York for help. Both corresponded freely with Jefferson, begging for men and supplies. Seven hundred Virginia militiamen joined Greene's little army before the battle at the Cowpens (Janu-

ary 17, 1781), and a thousand more the next month. Six hundred stand of arms went through Richmond for Greene on February 22, followed by lead, cartridges, bread, and blankets. Greene, though sometimes nervously importunate in his demands on Jefferson, wrote to Washington of his great gratitude for the aid from the protecting State of the South. Cornwallis himself confessed to his superior, Clinton, that his "hold on the Carolinas must be difficult if not precarious until Virginia is in a manner subdued." When, therefore, the British commander left Greene in the Carolinas and struck north into Virginia to put an end to the chief source of Greene's supplies, he found a State crippled in the defense of its neighbors. "An enemy 3000 strong," wrote Jefferson to Congress, "not a regular in the State, nor arms to put into the hands of the militia, are indeed discouraging circumstances."

As the spring of 1781 advanced it became evident that the issue was to be fought out on the soil of Virginia. With reinforcements from Clinton's army in the North, Cornwallis had about seven thousand infantry and cavalry in the State by the end of May, while his privateers, besides ravaging the shores, were effectively preventing the co-operation of the militia in the counties lying on the navigable rivers. Washington had detached Lafayette from the Northern army early in April, but rather to support the Southern States in general than to defend Vir-

ginia in particular. In fact, Lafayette was to "advise Governor Jefferson" of his intended march through the State of Virginia to reinforce Greene's army. But when Lafayette reached Virginia he found the enemy there. The summer's campaign, conducted at first by Lafayette and Steuben, and finally drawing in Washington, Rochambeau, and the French fleet for the dénouement at Yorktown, we shall not describe. Before it had proceeded many days Jefferson's term of office came to a close, and we might let it come to a close in silence, if it were not that accusations of remissness and cowardice pursued him to the end.

Morse says that when Cornwallis reached Petersburg "Jefferson could devise nothing better than to *implore* Washington to hasten to Virginia's rescue." This is what Jefferson actually wrote to Washington over a week after Cornwallis reached Petersburg: "The whole force of the enemy within this State, from the best intelligence I have been able to get, is I think about 7000 men, infantry and cavalry. . . . Your Excellency will judge, from what you know of our country, what it may probably suffer during the present campaign. . . . Were it possible for this circumstance to justify in your Excellency a determination to lend us your personal aid, it is evident from the universal voice, that the presence of their beloved countrymen . . . would restore full confidence of salvation and would render them

equal to whatever is not impossible. I cannot undertake to foresee and obviate the difficulties which lie in the way of such a resolution. The whole subject is before you, of which I see only detached parts, and your judgment will be formed on the view of the whole. . . . I have undertaken to hint this matter to your Excellency not only on my own sense of its importance to us, but at the solicitation of many members of weight in our Legislature." This is what Morse, with characteristic misrepresentation of Jefferson's spirit, calls "imploring" Washington to come to Virginia's rescue.

At the close of the letter just quoted Jefferson expressed his gratification in the rapid approach of the day which should end his term of office as governor. Though eligible for a third term, he had resolved to retire to private life, believing that "under the pressure of the invasion under which we were then laboring the public would have more confidence in a military chief." However, when the day for Jefferson's retirement arrived (June 2) no successor had been chosen. Cornwallis's advance into Virginia had thrown the legislature into a kind of panic. They adjourned when he approached Richmond (May 10), and twice again within the month. They sought refuge in Charlottesville, and when Tarleton's raid drove them out of there, they fled to Staunton, west of the Blue Ridge. Again the report of Tarleton's approach precipitated a panic

(June 10), and the legislature, after passing a resolution that the speaker might call a meeting when and where he pleased, again broke up and dispersed. Many were in favor of appointing Patrick Henry dictator in the crisis. Jefferson, who characterized the move as "treason against the people," says that the proposition "wanted a few votes only of being passed." During all this excitement Jefferson continued to perform the duties of governor in a kind of unofficial interregnum. When the agitation over the dictatorship calmed down and the legislature regained its poise, he surrendered the reins of government into the hands of his successor, General Thomas Nelson.¹

It was, strictly speaking, therefore, as a private citizen that Jefferson suffered the indignity of being driven from his house at Monticello by Tarleton's troopers, and of having his neighboring plantation of Elk Hill visited with all the fury of war's desolation and insolence. In the early morning of June 4, 1781, a messenger brought Jefferson word at Monticello that Tarleton's men were on the way to Charlottesville, where the legislature was in session. Several members of the legislature, including the speakers of both Houses, were Jefferson's guests at

¹ General Nelson was one of the wealthiest and bravest of Virginia's sons. His old family mansion was within the British lines at Yorktown, and actually occupied by British officers. During the siege Washington wished to spare the house from bombardment, but Nelson proudly refused the favor.

the time. After breakfast they went down to Charlottesville, where the assembly met and hastily adjourned, while Jefferson sent his wife and children to the home of Colonel Coles, some fifteen miles away, and busied himself securing his most important papers. He ordered his groom to have his horse ready at a point on the road to Carter's Mountain, but seeing no signs of the British in the streets of Charlottesville when he went out to reconnoitre with his telescope, he started back to the house to put a few last papers in order. By a lucky chance he discovered that he had lost his light "walking sword" from its sheath when he kneeled down to level his telescope; for on his return to the spot to pick it up he looked again in the direction of Charlottesville and saw the streets filled with Tarleton's dragoons. Jefferson then sprang on his horse and rode away to safety. Had he gone back to the house, as he intended, he would have fallen directly into the hands of Captain McLeod, whom Tarleton had sent ahead "to seize Mr. Jefferson and occupy Monticello as a look-out." McLeod was actually in possession of the house when Jefferson turned back, and he remained there for eighteen hours, departing, be it said to his credit, without injury to property or persons.

Far different, however, was Tarleton's behavior at Jefferson's plantation of Elk Hill, which he passed on his way down the James to rejoin Cornwallis.

Jefferson gives a heartrending description of Tarleton's wanton cruelty in a letter written to Doctor Gordon seven years later: "He remained ten days. . . . He destroyed all my growing crops of corn and tobacco; he burned all my barns . . . having first taken what corn he wanted. He used, as was to be expected, all my stock of cattle, sheep, and hogs for the sustenance of his army, and carried off all the horses capable of service; of those too young for service he cut the throats. He burned all the fences on the plantation so as to leave it an utter wreck. He carried off, also, about thirty slaves. Had this been to give them freedom he would have done right; but it was to consign them to inevitable death from smallpox and putrid fever then raging in his camp. He treated the rest of the neighborhood in somewhat the same style, but not with the spirit of total extermination with which he seemed to rage over my possessions. . . . History will never relate the horrors committed by the British army in the Southern States of America. They raged in Virginia six months only . . . and I give you a faithful specimen of their transactions for ten days of that time, and on one spot only. *Ex pede Herculem*. I suppose their whole devastations during those six months amounted to about £3,000,000 sterling."

Jefferson's narrow and fortunate escape from seizure by McLeod's troops at Monticello has been

called by unfavorable biographers "running away from the British," and the impression has been created in thousands of minds that it was cowardice and not prudence that dictated his behavior. Yet the mere statement of the facts shows how inevitable was the course which Jefferson took. Every one of his critics would have done the same thing in the same predicament. If anything, he was rashly courageous in staying too long in an exposed and defenseless position. In the panic which seized the State on Cornwallis's invasion, there was the usual nervous campaign of incrimination, the usual hunt for a political victim. Men began to blame the governor for his generosity. If he had kept the arms and soldiers in the State instead of sending them to reinforce Washington in the North and Greene in the South, Virginia would not now be lying prostrate under Tarleton's iron heel. If he had only spent the money to fortify the coast, raids like Arnold's could not have occurred. They forgot that Virginia never had enough and never could get enough money to protect her coast without a navy; and that even if her coast were impregnable it would not prevent Cornwallis from coming up from the Carolinas. They forgot that Virginia was best defended, in the opinion of her own greatest son, by checking the progress of the enemy in the States to the south. Now that this policy had failed and the enemy was upon them, somebody must have

been guilty of a dereliction of duty. George Nicholas, of Albemarle, rose in the House and accused Jefferson of not having acted with wisdom and decision at the time of Arnold's raid, and demanded an investigation of the facts by the legislature. How the legislature itself had acted, in panicky dissolutions when Jefferson wanted its advice, he did not dwell on. Jefferson's supporters readily agreed to the investigation, and the hearing was set for December 19, 1781.

Before the legislature met in the autumn Mr. Nicholas's colleague from Albemarle resigned his seat in Jefferson's favor, to put the ex-governor "on an equal ground for meeting the inquiry," and Jefferson was unanimously elected. On the day appointed for the hearing he rose and declared himself ready to meet any charges and answer any inquiries that any member of the assembly chose to make. There was silence. A résumé of the intended charges, answered point by point, had been prepared by Jefferson during the summer and sent to the members. It had convinced them all of his blamelessness in his high office. The session that was set for an investigation of the executive's conduct was turned into a meeting of testimony to his virtues. Both House and Senate passed by a unanimous vote the resolution, "That the sincere thanks of the General Assembly be given to our former governor Thomas Jefferson, for his impartial, upright, and at-

tentive administration whilst in office. The Assembly wish, in the strongest manner to declare the high opinion which they entertain of Mr. Jefferson's ability, rectitude, and integrity as chief magistrate of this Commonwealth, and mean by thus publicly avowing their opinion to obviate and remove all unmerited censure."

The commendation bestowed by Washington on Jefferson's administration of the State of Virginia was no less hearty. In a letter written to Jefferson on June 8, 1781, the commander-in-chief says: "Allow me, before I take leave of your Excellency in your public capacity, to express the obligations I am under for the readiness and zeal with which you have always forwarded and supported every measure which I have had occasion to recommend through you, and to assure you that I shall esteem myself honored by a continuation of your friendship and correspondence, should your country permit you to remain in the private walk of life." This unqualified and generous praise Mr. Morse calls "some courteous words" at the close of a letter which Washington had found occasion to write to Jefferson, giving the latter "a sort of certificate of good character." "With such comfort as he could find in these testimonials," continues Morse, "Jefferson withdrew to private life. . . . Altogether he had had decidedly hard fortune."

Jefferson had indeed had "hard fortune." But

hard fortune is no disgrace. He was a man of peace called to preside over a State inevitably exposed to the most exasperating form of war. He was a man of extreme sensitiveness subjected to a criticism from old friends which was no less galling because it was undeserved. His domestic life was saddened by the death of an infant daughter in April, 1781, and the steady deterioration of his frail wife's health. Not all of his measures as governor may have been the wisest. He might, as Eckenrode suggests, have requisitioned tobacco, flour, and beef in the State, to purchase arms and ammunition in France. But when British cruisers were swarming in Chesapeake Bay and hovering over the shores of Virginia with menace of fire and plunder, it is difficult to see how Jefferson could have either got the tobacco to France or the arms into Virginia. The French fleet could not be enlisted in any permanent defense of our shores. At most they would come up from the West Indies to participate in some strategic move against the British. They hardly helped us at all until the Yorktown campaign—but there their help meant victory.

The single official act of his governorship that gave Jefferson unalloyed satisfaction was the signing of the resolution of the Virginia Legislature transferring the western territory, which was Virginia's by the double claim of charter and conquest, to the government of the United States. On January 2,

1781, the very day that the definite news of Arnold's approach reached Richmond, the legislature, before its hasty adjournment, ceded the territory north of the Ohio to the United States, on condition that the States should ratify the Articles of Confederation. Jefferson transmitted the resolution to the president of Congress, expressing the hope that "the other States of the Union, equally impressed with the necessity of that important convention [the Articles of Confederation] shall be willing to sacrifice equally to its completion. This single event [confederation], could it take place shortly, would overweigh every success which the enemy have hitherto obtained, and render desperate the hopes to which those successes have given birth." Virginia's splendid example won the cause. Within two months the last State, Maryland, signed the Articles, and the United States had its first Constitution in black on white.

The Northwest Territory thus ceded by Virginia was the beginning of the magnificent public domain of the United States, which, during the next two generations, through cessions by the States, purchase from France, treaty with England, conquest from Mexico, was extended to the Pacific coast; and whose political organization, economic development, and social amalgamation have exercised the most potent influence on the course of American history. By the transfer of the Northwest Territory, as gov-

ernor of Virginia, and the purchase of the Louisiana Territory, as President of the United States, Thomas Jefferson set his seal to the acquisition of a national domain imperial in extent and exhaustless in wealth; by his plan of government for the territory west of the Alleghanies in 1784 and his despatch of Lewis and Clark to the Pacific coast twenty years later, he stamped his name on our great Western wilderness and his ideas on all our subsequent territorial policy.

Jefferson retired from the governorship in the midsummer of 1781 under the double cloud of official criticism and domestic anxiety. He was a man singularly free his life long from feelings of resentment or revenge. Yet the sense of his imputed failure in the highest office within the gift of his "countrymen" lingered for many months to embitter a heart racked with the pain of watching its dearest treasure slowly stolen away by the inexorable hand of death. He believed that he had done with public life forever. The thought of office almost sickened him. He declined an appointment by Congress in June, 1781, to join Adams, Franklin, Jay, and Laurens in Europe to represent the United States in a proposed peace congress at Vienna. He refused an election to Congress by the Virginia legislature in December. To his kinsman, Edmund Randolph, he wrote from Monticello: "I have retired to my farm, my family, and my books, from which I think nothing will evermore separate me.

A desire to leave public office with a reputation not more blotted than it has deserved will oblige me to emerge at the next session of our assembly and perhaps to accept a seat in it, but as I go with a single object I shall withdraw when that shall be concluded.”¹ His intimate friends, Madison and Monroe, both tried to coax him from the tent of Achilles. The former thought that his “keen sensibility” (sensitiveness) was not “dictated either by philosophy or patriotism,” and Monroe frankly told him that his conduct was provoking murmurs. But still Jefferson persevered in his course of “obstinate condolment.” He could have comforted himself, he writes Monroe, “under the disapprobation of the well-meaning but uninformed people,” but the mistrust of their enlightened representatives, letting him “stand for months arraigned of treason of the heart” as well as “weakness of the head,” was a “wound in his spirit which could only be cured by the all-healing grave.” This distressing period of morbid reflection on past chagrin and mortal anxiety for what the next day might bring forth passed with the death of Mrs. Jefferson, early in September, 1782. That great baptism of sorrow swept away all lesser memories of ill, and Jefferson was ready when his country called him a few weeks later to a post of honor and service.

¹ Referring, of course, to the proposed examination of his conduct by the legislature, set for December 19, 1781. Jefferson’s letter to Randolph was written in September.

CHAPTER V

THE MISSION TO FRANCE

I do love this people with all my heart, and think that with a better religion, a better form of Government and their present governors their condition and Country would be most enviable. (Jefferson to Mrs. John Adams, June 21, 1785.)

THE surrender of Cornwallis at Yorktown put an end to the American Revolution. On March 5, 1782, the British Parliament authorized the ministry to make peace, and a fortnight later Lord North, who had been at the head of the government for twelve years, resigned the seals to the Marquis of Rockingham, the liberal Whig under whom the Stamp Act had been repealed in 1766. Rockingham died in July, but his successor, Lord Shelburne, carried on his policy of a friendly consideration of American claims. Benjamin Franklin was at the head of our peace commission in Paris, with Jay, Adams, and Laurens as his colleagues. They were all able men, but the negotiations halted a bit. Franklin was seventy-six years old and not in the best of health. Jay and Adams had to leave their respective diplomatic posts in Madrid and Amsterdam to take part in the discussions in Paris, while Laurens was captured by the English on the voyage to Europe and held a prisoner in the Tower of London until the

conferences were nearly over. Congress thought it wise to add to the commission a member fresh from America, acquainted at first hand with the conditions of the later years of the war; and their unanimous choice fell on Jefferson. The appointment reached him at Monticello, November 25, 1782, and he immediately accepted it, not only as a rare opportunity for public service, but as a relief from the brooding sorrow of his great affliction. His passion for art, music, science, and philosophy heightened the anticipation of companionship with the noted men of culture whose names graced the intellectual capital of the world in the latter days of the old régime in France. Paris was his Mecca.

Jefferson left Monticello for Philadelphia in December. The French minister, Luzerne, offered him passage on the frigate *Romulus*, on which Jefferson's friend and late visitor to Monticello, the Marquis de Chastellux,¹ was also to sail. But Jefferson's view of the towers of Notre Dame and the courts of the Louvre was destined to still further postponement. While the *Romulus* lay a few miles below Baltimore, blocked by the ice and fearful of the British cruisers

¹ De Chastellux (1734-88) was one of the French generals in the American Revolution, and a member of the *Académie française*. He published his *Travels in the Southern States of America* in 1788. We are indebted to Chastellux for one of the most charming descriptions of Jefferson in retirement at Monticello in the spring of 1782: "A man not yet forty, tall and with a mild and pleasing countenance, but whose mind and understanding are ample substitutes for every exterior grace. An American who, without ever having quitted his own country, is at once a musician, skilled in drawing, a geometrician

that were reported off the capes of Chesapeake Bay, word arrived that the preliminaries of peace had been signed in Paris. There was, then, no further immediate need for Jefferson's services abroad, though he remained in Philadelphia, his mission "suspended" only, until Congress should have assurance that everything was proceeding smoothly toward the final peace. On April 1, 1783, Congress thanked Jefferson for the readiness with which he had undertaken "a service which from the present situation of affairs" they "apprehend can be dispensed with," and by the middle of May he was back at Monticello.

But not for long. Just three weeks after his arrival home he was elected by the Virginia legislature, with his friend James Monroe and three other colleagues, to serve for the next ensuing term of Congress. The impotence and ignominy of that body at the close of the Revolution were notorious. Our debt was huge, the continental currency was worthless, and Congress had no competency to lay taxes. The States were quarrelling over boundaries and tariff reprisals, while Congress had no adequate

and astronomer, a natural philosopher, legislator, and statesman. A Senator of America, who sat for two years in that famous Congress which brought about the Revolution . . . a Governor of Virginia, who filled that difficult station during the recent invasions of Arnold, of Phillips, and of Cornwallis. . . . Sometimes natural philosophy, at others politics or the arts were the topics of our conversation, for no object had escaped Mr. Jefferson; and it seemed as if from his youth he had placed his mind, as he had his house, on an elevated situation from which he might contemplate the universe."

machinery either for the settlement of their quarrels with one another or the enforcement of their obedience to the central power. Foreign nations were naturally sceptical about reposing confidence in a government which could not win the confidence of its own States, and diplomats in Paris, London, and Madrid blandly asked whether they were expected to make treaties with thirteen American nations or one. The army was unpaid and mutinous. "They have swords in their hands," wrote Gouverneur Morris to Jay, "and you know enough of the history of mankind to know much more than I have said." The dignified and pathetic appeal of Washington himself quelled the insubordination of the officers at Newburgh, in March, 1783, but a few months later eighty men of a Pennsylvania regiment, raw recruits whose pay was in arrears, marched on Philadelphia declaring that they would "have their rights" from Congress. They swaggered through the streets with a good deal of harmless bluster, which was turned into riot and ribaldry when they "found their unerring way to the wine-bottles and ale-casks of hospitable Philadelphia." Congress protested against this insult to its dignity by withdrawing from the city and the State. It established itself first in Princeton, New Jersey, then moved to Trenton, and finally to Annapolis, Maryland.

It was at Trenton that Jefferson found Congress and took his seat, November 4, 1783. That same

day the body adjourned to meet at Annapolis three weeks later. But so insignificant had Congress become that a majority of the States, necessary to constitute a house for any kind of business, were not represented in Annapolis before the middle of December. Jefferson sat only from December until the following May, but these five months were full of activity. His name was at the head of most of the important committees and his pen was in constant requisition. He wrote the reply which the president of Congress made to General Washington when the latter laid down the command of the army which he had so wonderfully led for eight years. He took up Gouverneur Morris's suggestion for a decimal system of coinage, substituting our dollar for Morris's absurd unit of 1-1440 of a dollar, and advocating the extension of the decimal system to all our tables of weights and measures—a service for which school children and teachers, clerks and merchants, “the mason, the shipwright, and the carpenter,” the “butcher, the baker, and the candlestick-maker” will all gladly join in erecting a monument to him when the present complicated and stupid tables are abolished.

The treaty of peace with Great Britain came before Congress in December, 1783, but it was not until the middle of January that representatives from the nine States necessary for its ratification could be secured. Several members of Congress

were in favor of ratifying by the vote of seven States only, trusting that the British Government might not detect the harmless fraud—an eloquent testimony both to the members' own regard for the sanctity of the law of their country and to their estimate of its importance in the eyes of foreign nations. Jefferson discountenanced this plan as "a dishonorable prostitution of our seal."¹ Delegates from Connecticut and South Carolina arrived at last, and on January 14, 1784, Jefferson had the satisfaction of setting his name to the ratification of the treaty acknowledging the Declaration of Independence which he had drafted seven and a half years before. Other signers of the Declaration who were present in Congress to participate in the ratification were Roger Sherman, Elbridge Gerry, Robert Morris, and William Ellery.

By far the most important of Jefferson's many services, however, during the few months of his attendance at Congress was the drafting of a plan

¹ Jefferson had been appointed on July 4, 1776, on a committee with Franklin and Adams to prepare a device for a seal for the United States. Each of the three members of the committee suggested a device, Jefferson's being the most elaborate. But Congress was too critical or too busy (although further designs were submitted in 1779 and 1780) to decide on the seal until the close of the war. On June 20, 1782, the great seal of the United States was adopted from a design sent over from England by our minister, John Adams, and furnished to him, it is said, by Sir John Prestwich, Baronet, who was a friend of America in the Revolution. A most interesting illustrated article in *Harper's Magazine* for July, 1856, describes the genesis of the great seal, and the reproductions show the great superiority of Jefferson's design to the one adopted.

for the government of our western territory. Virginia's cession of the territory north and west of the Ohio, which we mentioned near the close of the last chapter, was completed on March 1, 1784. Jefferson was appointed with Chase, of Maryland, and Howell, of Rhode Island, to prepare a plan for its temporary government. Without waiting for the other States with western claims to cede their lands beyond the Alleghanies, Jefferson drew up and reported an "Ordinance for the government of the Western Territory of the United States." The draft of the ordinance in Jefferson's handwriting is in the archives of the State Department at Washington. It provided for the division of the whole territory between the Alleghanies and the Mississippi, into "States" by degrees of latitude and meridians of longitude. Each "State," as soon as it should have "acquired 20,000 free inhabitants," should be authorized by Congress to establish a permanent constitution and government for itself, which must conform to the following principles:

- (1) It must forever remain a part of this Confederation of the United States of America.
- (2) Its powers, property, and territory must be subject to the government of the United States in Congress assembled.
- (3) It must pay the part of the federal debts contracted or to be contracted which was apportioned to it by Congress.

- (4) Its government must be republican in form and admit no person to be a citizen who holds any hereditary title.
- (5) Slavery should not exist in any of the "States" after the year 1800 of the Christian era.

Whenever any of these new States gained as many inhabitants as the least populous of the thirteen original States, its delegates should be admitted to Congress "on an equal footing with the said original States, provided nine States agreed to such admission." Until then they should have a representative in Congress with the right of debating but not of voting.

The student of our political institutions will recognize in this ordinance of Jefferson's all the essential principles of the organization and government of Territories of the United States. Since the year 1910 Territorial governments within our country proper have ceased; an unbroken band of forty-eight States extends from the Atlantic to the Pacific. But from the Virginia cession of 1784 down to the Civil War at least one-half of the area of the United States was in the form of Territories, and the reciprocal influence of the old States on the new Territories and the new Territories on the old States has been one of the most important of the political and social chapters of American history. In the light of these facts Jefferson's Ordinance for the government of the West takes on a great significance. Its provi-

sions were copied largely in the famous Northwest Ordinance of 1787 and in the Constitution of the United States. Its spirit influenced our Territorial governments for more than a century.

Jefferson's Ordinance was not adopted *in toto*, however. The fantastic names which he suggested for the new Western States were dropped; the clause forbidding the holder of an hereditary title to become a citizen was stricken out; and the provision for the abolition of slavery after the year 1800 was defeated. Only the three States of South Carolina, Maryland, and Virginia actually voted against the no-slavery clause; but Georgia and Delaware had no delegates at all in Congress at the time, New Jersey's vote was lost because she had only a single delegate present, and North Carolina's because her two delegates were paired. So there remained but the six States of New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, and Pennsylvania in support of the clause. One more delegate in attendance from New Jersey, or the change of one vote of the Virginia or North Carolina delegation would have given the vote of the seventh State necessary to make the majority.

It is doubtful if a vote fraught with more serious consequences for the subsequent history of our country has ever been passed by the Congress of the United States than this rejection of a no-slavery clause in the plan of government for our Western

territory. Had the clause been adopted and observed, the territory south of the Ohio as well as that to the north would have been organized as free soil. The next fifteen years would not have seen the admission of Kentucky (1792) and Tennessee (1796) as slave States, and the organization of the huge Mississippi Territory (1798) with slavery. The invention of the cotton-gin and the consequent hunger for new slave soil was still a decade off when Jefferson's clause was rejected. A broad band of free soil might have extended from the Lakes to the Gulf, shutting slavery up in the original States of the South along the Atlantic, and presenting a solid front of freedom on the Mississippi. Instead, the sectional antagonism in the old States was carried out to the frontier, there to kindle a struggle for the possession of every new acquisition of territory. The Civil War is latent in the vote of 1784. Abraham Lincoln and the Republican party came back to the rejected clause of Jefferson's Ordinance for their platform: no slavery in the Territories of the United States. Jefferson expressed his disappointment mildly to Madison in a letter of April 25: "South Carolina, Maryland, and! Virginia! voted against it"; but to his French friend, De Meusnier, he poured out his indignant sorrow: "The voice of a single individual would have prevented this abominable crime from spreading itself over the new country. Thus we see the fate of millions unborn hang-

ing on the tongue of one man, and heaven was silent in that awful moment."

With the advent of peace and the acknowledgment of our independence it became necessary for us to win a respected place in the family of nations. Our commerce had been monopolized by England to such an extent that we had had little opportunity of showing to other European nations the reciprocal advantages that would result from an exchange of goods. John Adams declared in his later days that he could not read the British Acts of Trade as a young lawyer "without pronouncing a hearty curse upon them . . . as a humiliation, a degradation, and a disgrace" to his country. But the British acts were not exceptionally severe. On the contrary, they were rather more liberal than those of most European countries. Free trade was a thing unknown in the eighteenth century. Every land surrounded itself with tariff walls and tried to monopolize its colonies' products. So long as we were a part of the great British Empire we enjoyed the benefits of her colonial monopoly, in spite of the exasperating acts arising from the enforcement of that monopoly, and our products found good markets and favorable tariff discriminations within the Empire. But when we became an independent nation we found ourselves outside the protective system of Great Britain, without thereby being admitted to the privileges of trade with the other

countries of the Old World. We were independent, but alone. We were known as "successful rebels," but not as good customers. We had, to be sure, made a fairly favorable treaty of commerce with France in 1778, but the grip of monopoly and privilege on the old régime prevented Louis XVI's ministers from putting it into operation. Holland and Sweden also had made commercial treaties with us during the war and so opened a modest opportunity for the "economic invasion" of Europe by our fish and rice, our lumber, whale-oil, tobacco, and wheat. But Great Britain refused to open to the United States the trade with the West Indies which we had enjoyed as British colonies. She even refused to put us on the footing of "the most favored nation" in our trade with the home land. We had no trade agreements, hence no security of commerce, with Russia, Prussia, Spain, Portugal, Denmark, Tuscany, Naples, Venice, Rome, Turkey, Morocco, Algiers—in short, with hardly any of the maritime nations of the Old World.

Congress decided in the spring of 1784 to make an effort to break down the protective barriers in Europe. On May 7 it resolved that "a minister plenipotentiary be appointed to active conjunction with Mr. Adams and Doctor Franklin in negotiating treaties of commerce with foreign nations." The choice of Congress fell on Jefferson. It was his fourth invitation since the Declaration of Indepen-

dence to go to Paris on a public mission. And this time he was not to be disappointed. As the appointment was for only two years, he left his younger daughter and his nephews at home, taking only his eldest daughter, Martha, who since Mrs. Jefferson's death had become his inseparable companion. He left Annapolis for Philadelphia and Boston four days after his appointment. "While passing through the different States," he says in his *Memoir*, "I made a point of informing myself of the state of commerce in each, went on to New Hampshire with the same view, and returned to Boston." He was enthusiastically received in Boston, where, as he wrote Gerry, much of his time was "occupied by the hospitality and civilities of this place." A guest's chair was provided for him in the general court of Massachusetts. He sailed for Europe on Monday, July 5, in the *Ceres*, and as his ship dropped down the harbor, through its emerald islands, she was wafted on her way by the cheers of thousands of patriots gathered in Faneuil Hall, the "Cradle of Liberty," to listen to the annual oration on the text of his immortal Declaration. A pleasant voyage of nineteen days brought the *Ceres* to Cowes, where Jefferson was detained by the illness of his daughter. He reached Paris early in August. "Immediately called on Doctor Franklin at Passy," he writes, "communicated to him our charge, and we wrote to Mr. Adams, then at the Hague, to join us."

As soon as the plenipotentiaries were all together in Paris they drew up the general form of a commercial treaty on a plan proposed by Jefferson and reflecting his humanitarian principles. This treaty has seldom received its due notice at the hands of historians, because, unfortunately, instead of being written into the law of nations, it was consigned to the archives of the diplomatic correspondence of the United States. Washington called it "the most original and liberal treaty ever negotiated," and declared that it would open "a new æra in negotiation." Some of its twenty-seven articles reveal the inhuman practices which prevailed even among friendly nations toward the close of the eighteenth century.¹ Others run far in advance of the position yet reached by nations that call themselves civilized, in the delimitation of the inevitable horrors of war and in the protection of the rights of neutrals. The coasts of the enemy were not to be ravaged, privateering was forbidden, non-combatants on land and sea were not to be molested, neutral property was not to be confiscated. "It seems a mockery of noble endeavor," says James Parton in his entertaining biography of Jefferson, "that such a draft should have been placed on record on the eve of

¹ The articles, for example, providing that mariners who were shipwrecked should not be plundered, and that "when subjects or citizens of one party shall die within the jurisdiction of the other," their bodies "shall be decently buried and protected from violence or disturbance."

wars which desolated Europe for twenty years, during which every principle of humanity and right was ruthlessly trampled under foot." So the moralist of to-day might view the noble labors of The Hague conferences and Lake Mohonk peace meetings!

John Adams was appointed minister to England in February, 1785, and the aged Franklin was relieved of the burden of his diplomatic post at Paris a few weeks later. Jefferson was appointed minister to France in Franklin's place, for a period of three years from March 10, 1785. He entered on his mission with the best of auguries for its success with the French Court—a neatly turned phrase. "You replace Doctor Franklin, I hear," said the foreign minister, Vergennes. "I succeed him," replied Jefferson; "nobody could replace him."

There is little that is exciting or even picturesque in the strictly official life of Jefferson in his four years residence in Paris. He says himself: "My duties at Paris were confined to a few objects, the receipt of our whale-oils, salted fish, and salted meats on favorable terms, the admission of our rice on equal terms with that of Piedmont, Egypt, and the Levant, a mitigation of the monopolies of our tobacco by the Farmers-General, and a free admission of our productions into their islands." He found the foreign minister, Vergennes, "frank, honorable, and easy of access," though he had the reputation with the diplomatic corps at Paris of being "wary

and slippery." But frank and honorable as Vergennes might be, he did not advance far on the way of commercial confidence in the new American nation.¹ Jefferson returned again and again to his assault on the privileges of the tobacco monopolists and the salt ring. "His diplomatic correspondence with Vergennes and Montmorin," says Morse, "fairly reeks with the flavor of whale-oil, salt-fish, and tobacco." He declared that his countrymen were ready and eager to buy French goods if they could only find the return market in France for their own. He drew up statistics to show that King Louis would gain, as well as the American government, by breaking up the monopoly of the farmers-general and collecting his own royal imposts directly on American importations. But it was of no avail. Vergennes confessed that he saw the force of Jefferson's arguments, but replied that the King received \$28,000,000 a year from the Farm now, that this method of collecting the revenue "was of very ancient date, and that it was always hazardous to alter arrangements of long standing"

¹ In his *Memoir*, written nearly forty years later, Jefferson speaks of Vergennes and the French Government as "entirely disposed to befriend us on all occasions and to yield us every indulgence not absolutely injurious to themselves." But in a letter of January 30, 1787, to Madison, he says of Vergennes: "He is a great minister in European affairs, but has a very imperfect idea of our institutions and no confidence in them. His devotion to the principles of pure despotism renders him unaffectionate to our governments [notice the plural!]. But his fear of England makes him value us as a makeweight."

—the doctrine which brought the throne of France down with a crash before another ten years passed!

Some few minor privileges for American commerce Jefferson did gain by dint of persistent notes. Two new free ports were opened to American goods; duties were lowered somewhat in other ports and their collection made less annoying; whale-oil and spermaceti were allowed to come in with only the duty on their crude bulk, and pearl-ashes, beaver-skins, leather, ship-timber, and some minor articles were admitted free of duty. The farmers-general were ordered to purchase some of their tobacco in America, and a commission to encourage the importation of American rice was promised. But this was the extent of our minister's success when, on August 6, 1787, he "received an intimation from the French government," as he wrote our foreign secretary, John Jay, "that it would be agreeable not to press our commercial regulations at that moment, the Ministry being too much occupied with the difficulties surrounding them to spare a moment on any subject that would admit of delay." The difficulties were gathering indeed. A comptroller-general of the finances had announced the bankruptcy of the Court. The King had in vain summoned the notables to Versailles to help him out of the predicament. The Parlement refused to register the royal edicts of taxation, and letters were already prepared for the exile of its members

in a body. The pains of the great Revolution had seized on France.

In spite of the fact that the results of Jefferson's diplomacy were so meagre in comparison with his efforts, those efforts were by no means wasted. The files of our State Department contain no more striking examples of clear and accurate reasoning, of just reflection on international obligations, of illuminating estimate and analysis of the national psychology of a foreign people, than Jefferson's despatches from France. Even his enemy John Marshall admitted that Jefferson "quitted himself much to the public satisfaction" in his mission to France; and Daniel Webster declared that "Mr. Jefferson's discharge of his diplomatic duties was marked by great ability, diligence, and patriotism." In addition to his labor for commercial concessions, Jefferson devoted much time to the improvement of the condition of our travellers, traders, and seamen actually in French ports. He completed a consular convention in 1788 which safeguarded the rights of visiting seamen. His private purse was often at the disposal of his embarrassed countrymen. His valuable time and legal advice were given without price and without stint to his fellow Americans in difficulty abroad.

Nor were his activities confined to France alone. A most disgraceful state of affairs existed in the western Mediterranean. The "Barbary States" of

Morocco, Algiers, Tunis, and Tripoli, combining fanatical religion with mundane greed, were waging a war of piracy against the maritime nations of Christendom. They held the keys to the Mediterranean, and took tribute of Great Britain, France, Spain, Holland, Portugal, Venice, and Naples alike. America was expected to pay, too. An American brig, the *Betsy*, was seized and taken to Morocco in the spring of 1785, and its crew finally liberated only by the intervention of Spain. When asked by Jefferson with what right his people made war with an unoffending nation at peace with them, the Tripolitan envoy in London replied that it was "written in the Koran that all nations which had not acknowledged the Prophet [Mohammed] were sinners, whom it was the right and duty of the faithful to plunder and enslave." Outrageous as the depredations of these fanatical pirates were, the impotent government of the United States under the Articles of Confederation could not stop them. Jefferson was ordered to make a "present" of \$20,000 to the Dey of Algiers, the "King of Cruelties," and another of \$20,000 to the Sultan of Morocco. Tripoli demanded \$150,000, with a tip of \$15,000 for the ambassador, to guarantee a perpetual peace. We were reduced to bargaining with the monastic order of the Mathurins, who acted as emancipation brokers in the Barbary states, to get our sailors and captains ransomed at the best figures possible.

Indignant over the treatment of civilized peoples by these Mohammedan brigands, Jefferson tried to unite the maritime nations of western Europe in a league to enforce peace and security in the Mediterranean. A joint fleet of six frigates and as many smaller vessels was to be maintained by contributions in proportion to benefits received. The direction of the fleet was to proceed from Paris, under a committee of the resident ambassadors and ministers. Even in the case of war arising between parties to this league, it should not interrupt the work or hinder the parties from being "reputed at peace as to this enterprise." Several of the European states responded favorably to Jefferson's proposal, although the suspicion that either France or England might join with the pirate states against the league could not be wholly hidden. However, when Jefferson applied to Congress to initiate the scheme by the loan of a frigate and a contribution for its support, the States refused to contribute and the whole plan fell through. Jefferson's ears were filled with the wails of American sailors unransomed in African prisons during the whole of his residence in France. Their doleful cries followed him home across the sea. As secretary of state he was still negotiating for them in 1793, and ten years later, as President of the United States, he sent our new navy to the Mediterranean to seek out the pirates in their own lair and scourge them into decency.

It is rather the unofficial activity of Jefferson during his French mission that enlists our interest. The stimulus to his receptive spirit of the opportunities of culture in Paris keyed his mind to a pitch of creative and versatile energy such as we have not seen in him before. His correspondence from France and in France is voluminous and varied. He revelled in pictures, sculpture, architecture, machinery, books, plants, and seeds. He visited the provinces to get acquainted with the French peasant, writing from Nice to his friend Lafayette: "You must ferret the people out of their hovels as I have done, look into their kettles, eat their bread, loll on their beds under pretence of resting yourself, but in fact to find if they are soft." He got so absorbed in a controversy with the celebrated Buffon over the natural history of the moose that he commissioned his friend General Sullivan, of New Hampshire, to go into the woods and shoot a moose and send its bones and skin to Paris. The box arrived duly, with an incidental bill of expense amounting to thirty-six guineas. Buffon was convinced.

Soon after his arrival in Paris, before he had succeeded to Franklin's place as minister, Jefferson won his admission into the literary circle by the publication of his *Notes on Virginia*, the only one of his compositions to rise out of the class of pamphlets to the dignity of a bound book. The *Notes on Virginia* were written in 1782, after Jefferson's retire-

ment from the governorship, in answer to a series of questions addressed to him by the secretary of the French Legation at Philadelphia, the Marquis de Barbé-Marbois. They contain a complete description of the State of Virginia, its natural history, products, climate, population, laws, education, religion, manners, manufactures and commerce, public revenues and expenses, history, memorials, and state papers. There is much in the work that is antiquated and irrelevant now, of course. Many of the speculations on ethnology and natural history have been corrected by modern science. But in spite of this the volume is a most valuable contribution to our social and economic history, and a fascinating picture of the life of the great State of Virginia at the end of the colonial period.

Finding that he could have his *Notes* printed in France at about one-fourth the cost of publication in Virginia, Jefferson had two hundred copies struck off in Paris for distribution among his friends in America and learned men in Europe. The work was soon translated into French and won for its author a reputation in the world of letters. A little later his statute for religious liberty was passed through the legislature of Virginia. It was translated and circulated in Europe, where it made a great and immediate impression. Jefferson wrote to his fellow reviser, Wythe, August 13, 1786: "Our act for freedom of religion is extremely applauded.

The ambassadors and ministers of the several nations at this court have asked of me copies of it to send to their sovereigns, and it is inserted at full length in several books now in the press; among others in the new *Encyclopædia*." Jefferson was invited by De Meusnier, the editor of the part of the *Encyclopédie Méthodique* which dealt with political economy and diplomacy, to answer many queries about the political and economic history of our country, and he revised the whole article, "United States," written for the same work. When the exciting political events of the convocation of the notables, the quarrel of the Court with the Parlement, the agitation over the new taxes and loans, the fall of Loménie de Brienne, and the summons of the States General followed in rapid succession (1787-9), Jefferson was recognized by the liberal statesmen as a valued adviser.

From the space which the narration of the events leading up to the French Revolution occupies in both his *Memoir* and his correspondence, we may judge how prominent a place they held in his mind; and from the justice and insight with which he describes these great events, with which he was so intimately associated, we can only regret that we do not have a complete and elaborate history of the outbreak of the French Revolution from his pen. The delicate responsibility of his position as accredited minister of a friendly nation to the Court of

Louis XVI prevented his taking that public part in the conduct of the Revolution which the liberal leaders would gladly have assigned to him, and to which some of them actually invited him. But in his private correspondence and intercourse he manifested the liveliest interest in their cause. He was just setting out on a journey to the south of France when the notables met in February, 1787. He wrote Lafayette: "I wish you success in your meeting. I should form better hopes of it if it were divided into two houses instead of seven.¹ Keeping the good model of your neighboring country [England] before your eyes, you may get on step by step towards a good constitution." And to the Countess of Tesse, a few days later, he wrote: "I would have the deputies by all means so conduct themselves as to have him [King Louis] repeat the calls of the Assembly. . . . They would thus put themselves in the track of the best guide they could follow [Parliament]. . . . Should they attempt more than the established habits of the people are ripe for, they may lose all and retard indefinitely the ultimate object of their own aim."

When the States General were called eighteen months later Jefferson continued his moderating advice. "If the *Etats-Généraux* do not aim at too

¹ The notables were divided into seven bureaus with a prince of the blood at the head of each. It took a vote of four bureaus to pass any measure.

much," he wrote Madison in November, 1788, "they may begin a good constitution. There are three articles which they may obtain: 1, their own meeting periodically; 2, the exclusive right of taxation; 3, the right of registering laws and proposing amendments to them, as exercised now by the Parlement. . . . If they push at much more, all may fail." Jefferson frequently attended the sessions of the National Assembly at Versailles and followed the debates with sedulous attention. When the quarrel between the privileged orders and the third estate threatened to wreck the work of the Revolution at its inception, he prepared a plan of compromise which he sent to Lafayette and Rabaut St. Etienne. The plan was for the King to come forward in a royal session with a charter of rights in his hand, which every member of the Assembly should sign. The charter was to contain five important concessions which the Court was willing to make in return for the support of the nation, namely: (1) Free annual assemblies of the delegates of the people, (2) who should have the sole right of originating the laws, and (3) of laying and appropriating the taxes; (4) abolition of all pecuniary privileges and exemptions; and (5) a "bill of rights" guaranteeing liberty of conscience and the press, *habeas corpus*, and trial by jury. The leading "patriots" (Barnave, Lameth, Dupont, Mounier), invited by Lafayette, gathered around Jefferson's dinner-table to discuss

plans of reconciliation between the factions. The Archbishop of Bordeaux, chairman of the Committee on the Constitution, formally invited Jefferson, by a letter of July 20, 1789, "to attend and assist" at the committee meetings, an invitation which Jefferson very properly declined on the "obvious consideration" that his mission to King Louis XVI's Court forbade him "to intermeddle with the internal transactions" of France. In all the delicate matter of his official neutrality Jefferson conducted himself so correctly as to receive the unqualified commendation of the King's foreign minister Montmorin.

While the Revolution was coming to a head in France an event of prime importance was taking place at home. Eleven weeks after the notables met at Versailles, an illustrious group of American statesmen met in the convention of Philadelphia to frame a new Constitution for the United States. "An assembly of demigods," Jefferson called them. He followed their work with intense interest, writing home long letters to Washington, Madison, Monroe, Jay, and other influential friends during the period of deliberation and ratification. Because Jefferson became a bitter opponent of the Federalist leaders who interpreted and administered the Constitution during Washington's and Adams's terms of office, he has often been represented as an opponent of our federal form of government. It has even been asserted that he was sent out of the country on the

French mission in order that his democratic and decentralizing theories might not interfere to thwart the drafting of a "strong" Constitution. Jefferson's correspondence, however, furnishes no support for such a view. He realized the necessity for a central control over our commerce and our foreign relations. On the very eve of his departure for France he wrote from Boston to James Madison: "I find the conviction growing strongly that nothing can preserve our confederacy unless the bonds of union be strengthened." This was after a visit to the principal towns of the New England States to study their commerce.

Jefferson also found himself in substantial agreement with the new Constitution when it reached him in Paris in finished form. In a long letter to Madison, written December 20, 1787, he commended the security of the Federal Government from interference by the State Legislatures, the grant of the taxing power to Congress, the division of the National Government into its three great departments, the election of the House of Representatives by popular vote, the equal representation of the States in the Senate, the voting in both Houses by individuals and not by States, the veto power of the President (though he would like to have seen it exercised in conjunction with the judiciary), and "many other good things of far less moment." He repeated his assertion in a letter to Francis Hopkin-

son, March 13, 1789: "I approved from the first moment the great mass of what is in the new Constitution."

What Jefferson found amiss in the Constitution was, first of all, that it did not contain a Bill of Rights guaranteeing to every citizen such fundamental liberties as freedom of speech and religion, *habeas corpus*, trial by jury, the right of petition, and the like. Even in a democratic government, conducted wholly by the people's representatives, Jefferson still thought these rights should be explicitly safeguarded and not merely left to be inferred. The second point that Jefferson objected to was the reeligibility of officers, especially the President, "who might be transformed by successive reëlections, which he would be tempted to secure by foul means, if fair means failed, into a virtual dictator." In a postscript Jefferson thought it might be well, in view of "the instability of our laws," if the Constitution provided that a year must expire between the engrossing of a bill and its passage, or in case of "urgency" that a two-thirds vote instead of a bare majority should be necessary.

Despite these objections to the Constitution (which are much less serious than those of Hamilton, who is reckoned among its "champions") Jefferson wanted the Constitution to be adopted by the necessary nine States "in order to insure what was good in it," while the other four States should

hold off until a newly assembled convention added the desired amendments. He soon came over to the "Massachusetts plan," however, of ratification with the recommendation to Congress of further amendment. "I learn with great pleasure the progress of the new Constitution," he wrote to Colonel Carrington in May, 1788; "the general adoption is to be prayed for, and I wait with great anxiety the news from Maryland and South Carolina, which have decided [on ratification] before this; and with [anxiety] that Virginia, now in session, may give the ninth vote of approbation. There could then be no doubt of North Carolina, New York, and New Hampshire. . . . We should give Rhode Island time. I cannot conceive but that she will come to rights in the long run. Force in whatever form would be a dangerous precedent." The "general adoption" was secured, Rhode Island finally came in, and the bill of rights was added in the first ten amendments, passed in the first session of Congress and ratified by the States. The indefinite reëligibility of the President was not forbidden by law, but Washington and Jefferson set the example of retirement from the office after the second term, which has been followed to this day.

The radicalism of Jefferson's democracy comes out more strongly in the correspondence of his Paris days than at any other time of his life. His contact with the courts of Europe only confirmed

in him the opinion of the happiness of the American republic. "My God!" he wrote to Monroe in the summer of 1788, "how little do my countrymen know what precious blessings they are in possession of, and which no other people on earth enjoy." He found the French people "ground to powder by the vices of their form of government." "Of 20,000,000 people supposed to be in France," he writes to a friend in Philadelphia, "I am of opinion there are 19,000,000 more wretched, more accursed in every circumstance of human existence than the most conspicuously wretched individual in the whole United States." Kings he thought the bane of their people. There was not a crowned head in Europe, he wrote to Washington, "whose talents or merits would entitle him to be elected a vestryman in any parish in America." There was scarcely an evil in Europe, he said, which might not be traced to their kin as its source, nor a good which was not derived from the "small fibres of republicanism existing among them." If all the evils that could arise under a republican form of government from now till the day of judgment could be weighed against the evils which France suffered in a week or England in a month from its monarchical government, the scales would incline in favor of the former. No race of kings had ever produced more than one man of common sense in twenty generations. The best behavior of kings was to leave

things alone: wherever they meddled it was to do harm. Of course, many of these sentiments are ridiculous exaggerations. When Jefferson wrote them Frederick the Great had been dead less than two years!

The same suspicion of anything approaching arbitrary power or despotic government led Jefferson to condone revolution in words which have often been quoted to prove that he was little better than an anarchist. Shays's Rebellion in Massachusetts in 1786-7 did not seem to him ominous. It was only a proof that the people had "liberty enough," and he would not have had them have less. "If the happiness of the mass of the people can be secured at the expense of a little tempest now and then, or even of a little blood," he wrote Doctor Stiles, the president of Yale College, in acknowledging an honorary degree, "it will be a precious purchase. *Malo libertatem periculosam quam quietam servitutem!*" To others also he "talked some very bad nonsense" about seditious uprisings, declaring that no country should be too long without a revolution; that no country could be safe unless its rulers were warned from time to time that the people possessed the power and spirit of resistance; that between a government without newspapers or newspapers without a government he would not hesitate a moment to prefer the latter; that the lives lost in a century or two in such a good cause as rebellions

to tyranny mattered little. "God forbid that we should ever be twenty years without such a rebellion!" he cried. "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure." We should not take these "wild and whirling words" more seriously perhaps than Jefferson himself took Shays's Rebellion. They were rather a philosophical dogma with him (after the manner of the political theorists of the eighteenth century) than a sober plan of public conduct. At any rate, in his long life of service to his State and nation, which covered not one but three spans of "twenty years," Jefferson never planned or sustained any "rebellion" except the great revolution which accomplished the inevitable political severance with Great Britain.

Neither did Jefferson learn his radicalism in France. To represent him, as William E. Curtis does, for example, as returning from Paris infected by the "frenzy of Jacobinism," is a grotesque perversion of the truth. There were no "Jacobins" in evidence in France when Jefferson was there. The Reign of Terror was as undreamed of in 1789 as the despotism of Napoleon. Jefferson's associations were all with the moderate liberals whom the Jacobins later sent to the guillotine when they could catch them. Camille Desmoulins, who let loose the fury of the people of Paris on the Bastille, declared in 1789 that there were not ten republicans in

France besides himself. Jefferson's radicalism was far more advanced than that of his Parisian friends, and if there was any "infection" it was rather they who got it from him. We cannot imagine Mounier or Lafayette talking of kings the way Jefferson did. If he had learned such language from anybody it was from Patrick Henry and Thomas Paine, and perhaps those hardy Puritan adversaries of the Stuart "man of blood" a hundred years before. Jefferson's "democracy" was based less on the reading of Rousseau than on the behavior of George III.

In the summer of 1789, while Mirabeau was laboring with voice and pen to guide the titanic forces of the French Revolution into the channels of broad national reform, Jefferson asked for leave of absence to return to America for private and domestic reasons. He had left Monticello intending to be absent for two years, and had been away five. His affairs needed his personal attention, and he wanted to have his daughters back among American companions—especially as the elder, Martha, had expressed the desire to take the veil and spend her life in a French convent. Jefferson's request was granted, and he left Havre on October 8, 1789, sending back to Necker from the deck of his ship, like a Parthian shot, his last plea for the admission of American salted meats into the French kingdom. He landed at Norfolk on November 23, after the

exciting dangers of storm, collision, and fire within the capes of Chesapeake Bay. After a short visit with his brother-in-law, Mr. Eppes, at his country-seat in Chesterfield, Jefferson was back at Monticello, amid jubilant demonstrations of welcome from his slaves and household, to celebrate the festivities of the Christmas season.

CHAPTER VI

IN WASHINGTON'S CABINET

Our country is too large to have all its affairs directed by a single government. . . . And I do verily believe that if the principle were to prevail of a common law being in force in the U. S. . . . it would become the most corrupt government on the earth. (Jefferson to Gideon Granger, August 13, 1800.)

DURING the early summer days of 1789, while Jefferson was intently following the debates of the National Assembly of France from the galleries of the hall at Versailles, George Washington and the first Congress of the United States under the new Constitution were setting in motion the wheels of government of the American Republic.

For the important post of secretary of state Washington's choice fell on Jefferson. "When I arrived in Norfolk," writes the latter to the chargé d'affaires left behind at Paris, "I saw myself in the newspapers nominated to that office." The personal letter of the President reached him at Eppington, on his way to Monticello, in December. "I received it with real regret," says Jefferson in his *Memoir*; "my wish was to return to Paris when I had left my household establishment as if there myself, and to see the end of the Revolution, which I then thought

would be certainly and happily closed within less than a year. . . . In my answer of December 15, I expressed these dispositions candidly to the President . . . but assured him that if it was believed I could be more useful in the administration of the government, I would sacrifice my own inclination without hesitation." A second letter from Washington, strongly urging the acceptance of the nomination, overcame Jefferson's reluctance. He only asked to be allowed to remain at Monticello long enough to attend to the affairs which had brought him over from Paris. On March 1, 1790, he left Monticello, and, after pausing in Philadelphia to visit the venerable Franklin, who was then on his death-bed, he reached the seat of government in New York on the 21st of March. The second session of Congress was already over two months old. John Jay, the foreign secretary of the old Congress of the Confederation, who had agreed to hold over until Jefferson's arrival, had a large mass of accumulated business waiting for him.

The State Department was not then the highly organized and complex institution that it is to-day, with its four assistant secretaries, its thousands of clerks, its law counsellor, its diplomatic and consular bureaus, its divisions of citizenship, appointments, trade relations, archives, rolls, and library. One assistant and one translator were all the secretary's staff in Jefferson's day. There was considerable

uncertainty, too, as to just what matters came under the department's authority, but it was the general impression that, in addition to foreign affairs, it should have charge of whatever domestic business did not fall distinctly under the heads of war and finance. Washington assured Jefferson, who was rather alarmed at the prospective demands of the office, that the duties would probably not be so arduous and multifarious as he imagined; and that if the domestic business should prove burdensome, "a further arrangement or division of the office could be made." An examination of the rather uninteresting list of "domestic" subjects on which Jefferson gave the President his written opinion as secretary of state shows how wide the range of his activities was, and how imperfect was the delimitation of the duties of the members of the cabinet. To-day a secretary of state does not publish his opinions on finance, nor a secretary of the navy advise on the management of the post-office, but Jefferson reported, among other matters, on the validity of Indian land grants made by the State of Georgia, on the payment of soldiers' accounts, on the right of the President to veto a bill fixing the residence of Congress, on Indian trade, on the foreign debt, on the establishment of a bank of the United States, on the disposition of western lands, and on the encouragement of the useful arts. Under the Confederation there had been a secretary of

foreign affairs, but the new Congress judged—by a pardonable inference from the negligibility of our country in the European councils since the peace—that our foreign diplomacy could be taken care of without much additional burden by the secretary who managed a large number of home affairs. The work that was then thought to be incidental came soon to be absorbing and all-important, for the very slight and occasional contact between our national and our State governments has made a secretary of state for home affairs (after the English model) almost a superfluity, while our foreign relations have grown in delicacy and complexity until the secretary of state has become the most important member of the President's cabinet.

Of all our diplomatists, after the peerless Franklin, Jefferson was the best fitted for this post. He was more supple than Jay, more tactful than Adams, more resourceful than Pinckney, more constructive than Morris. His five years residence in Paris, the centre of European diplomacy, had furnished his receptive mind with a full knowledge of the currents of political thought and commercial ambitions in the Old World. His preference for France was acknowledged, and it arose from a variety of causes. First of all, gratitude. He could see no justice, as he wrote Madison in 1789, in viewing two nations with identical feelings when one had spent her blood and money to save us, while the other had "moved

heaven and earth and hell to exterminate us in war, insulted us in all her councils in peace, shut her doors to us in every port where her interests would admit it, and libelled us among foreign nations." The memory of the "ungracious notice," which George III and his Queen had given him on the occasion of his visit to London in 1786 to confer with John Adams, threw into bright relief the courtesy and amiability of the French Court and ministers. He was convinced, too, that the cultivation of closer commercial relations with France would not only open wide markets for our products among her 25,000,000 inhabitants, but would also force Great Britain to modify her harsh navigation acts against us if she wished to keep her just share of our trade. In the French restrictions on our commerce Jefferson saw only a mistaken economic policy, but in the British navigation acts he saw a deliberate purpose to monopolize and control our commerce.

Then, again, Jefferson's genuine passion for democracy made him hail the French Revolution as the dawn of a new era in Europe. He hated kings and aristocracies. "I continue eternally attached to the principles of your Revolution," he wrote to Brissot de Warville in May, 1793, even after the news of the king's execution and the declaration of war against England had reached America. And to Pendleton he wrote: "The success of the French Revolution will ensure the progress of liberty in

Europe and its preservation here." He was looking with great anxiety, during his whole term of office as secretary of state, for the establishment of the new government in France, convinced that it would be the purveyor of liberty to all the nations of the Old World. Finally, to these reasons of public consideration must be added Jefferson's personal "compatibility of temper" with things French. He liked their art and music, their wit and grace, their clarity of thought and courtesy of speech, their cheerfulness, their language, their books, their dress, and their wines.

For all this, it is most unjust to say, as McMaster does, that "Jefferson was at all times more French than American." His preference for France was rather in comparison with England than with his native land. No one can read the hundreds of letters which Jefferson wrote from Paris to his friends in America and be left with any doubt where his affections were. "I sincerely wish you may find it convenient to come here," he wrote to Monroe in June, 1785. . . . "It will make you adore your own country, its soil, its climate, its equality, liberty, laws, people, and manners." He is never tired of contrasting the free opportunities of the new American Republic with the caste and privilege in European society. And if he hails the France of 1789 with enthusiasm it is first of all because he sees promise that she may become free like us.

"The French nation," he writes to Washington in December, 1788, "has been awakened by our Revolution. They feel their strength, they are enlightened, their lights are spreading, and they will not retrograde." Jefferson has been represented by many historians and biographers, from John Marshall down, as applying the touchstone of French (and even "Jacobinical") principles as the test of true Americanism. The exact opposite is the truth. He tested the French Revolution by the principles of the American Declaration of Independence, and felt, as he wrote Edward Rutledge, in 1791, that the success or failure of those principles in France meant their confirmation or their weakening in America.

The foreign questions with which Jefferson had to deal as secretary of state were bequeathed to him from the days of the Confederation. They arose almost entirely out of the diplomacy of the American Revolution and the peace negotiations of 1783, and were referable to three main categories: the attainment of a suitable commercial status with the nations of Europe, the adjustment of our relations with neighboring possessions of European countries on this continent, and the expediency of our participation or even our partisanship in the great cycle of European wars precipitated by the French Revolution. Not one of these three questions was settled during Jefferson's occupancy of the

secretaryship of state. Not even one of the treaties marking the first steps in their eventual settlement was signed. But, nevertheless, Jefferson made valuable contributions in his state papers to the solution of them all.¹

With France our relations were naturally friendly when the new government was inaugurated at New York. We had been her ally for more than ten years. Her aid to us in our Revolution, from whatever motive rendered, had been the indispensable condition of the attainment of our independence. Moreover, France had no possessions on the mainland of North America, and no desire for any. She had already made some concessions to our commerce. What further demands we wished to make upon her ministers we readily postponed in 1789, to watch with genuine sympathy the progress of her great Revolution. Serious trouble between America and France began only in the second administration of Washington, with the kindling of a general European war.

It was not thus, however, in our relations with England and Spain. They were both our neighbors on the American mainland and both unfriendly to

¹ Jefferson resigned the secretaryship at the close of 1793. The Jay Treaty with England was concluded in 1794-5, the Pinckney Treaty with Spain in 1795, and the convention with Napoleon in 1800. These treaties were the preliminary and partial adjustment of questions that were not finally settled until the close of the war between England and Napoleon (1815) and the elimination of Spain from the Floridas (1819).

the new republic. The British refused to evacuate rich fur-posts on the Great Lakes, which lay within the territory they had abandoned to the United States in the treaty of peace. They carried off negroes, mostly from Virginia, in violation of the treaty stipulations. They refused to open their West Indian ports to our trade, and would not even recognize the new nation by sending us a minister. Washington instructed Gouverneur Morris, our agent in London, to seek satisfaction on these points, but Pitt was obdurate. When at last the British Government condescended to send Mr. Hammond to the United States as minister in 1791, Jefferson took up the negotiations with him over the fur-posts, the negroes, commerce, and the debts due English merchants. In a long note to Hammond, dated May 29, 1792, Jefferson reviewed the whole course of the dispute between Great Britain and the United States since the peace with moderation and "sweet reasonableness," showing by an array of legal and historical proof that Congress had scrupulously fulfilled its treaty obligations in recommending the States to place no impediments in the way of the collection of the British debts, whereas the British, after having agreed by the same treaty to withdraw their garrisons from all the posts in the United States "with all convenient speed," had shown and still showed, after nine years, not the least sign of complying. If laws had been passed

by certain States to relieve debtors by extending the time of payment or issuing paper currency, they were not dictated by any hostility to England, but by the necessity of preserving the business and property of the States from utter bankruptcy and confiscation. The precious metals had been drained out of the country in payment of arms, munitions, and other necessities from Europe, so that the huge debt could not be paid in coin. "Even if the whole soil of the United States had been offered for sale for ready coin," said Jefferson, "it would not have raised as much as would have satisfied this stipulation." Furthermore, the British, by their illegal retention of the rich fur-posts, were helping to deprive the States of the very money which might enable them to pay the debts. Not arbitrary reprisals, but orderly prosecution through the courts, was the proper way of obtaining redress if there was any unlawful obstruction of justice toward British creditors. The note had no immediate effect on England's behavior, but it remains one of the ablest diplomatic documents in our archives. It set a standard for fairness of spirit, thoroughness of information, and cogency of reasoning that subsequent secretaries of state have felt it an honorable task to emulate.

Jefferson's unbounded confidence in the destiny of the American people to expand and fill the continent made him the most ardent champion in the

cabinet of our rights and interests in the West—a more ardent champion, even, than President Washington himself. He looked with alarm on any movement from within or without the republic that threatened or thwarted this expansion. “I fear from an expression in your letter,” he wrote to Archibald Stuart from Paris in January, 1786, “that the people of Kentucke think of separating not only from Virginia (in which they are right), but also from the confederacy. I own I should think that a most calametous event, and such a one as every good citizin on both sides should set himself against. Our present federal limits are not too large for good government, nor will the increase of votes in Congress produce any ill effect. On the contrary, it will drown the little divisions at present existing there. Our confederacy must be viewed as the nest from which all America, North and South, is to be peopled. . . . The navigation of the Mississippi we must have.”

No one in America, now that Franklin was dead, appreciated so fully as Jefferson both how necessary the free navigation of the Mississippi was to the security of the new union, and how difficult it would be to gain the acknowledgment of our right to the free navigation of the river from Spain. It was by far the most important diplomatic problem of Washington's administration, and Jefferson was the only man in the cabinet to fully realize its importance.

He had had ample chance to study the disposition of Spain in his five years' residence at the Court of France. He knew how Spain had entered the Revolutionary War in 1779 in order to recover her lost province of Florida and her lost fortress of Gibraltar from Great Britain; how she had resisted Vergennes's appeals to join in the fight against England until he threatened to dissolve the "Family Compact" of the Bourbon Kings concluded in 1761; how she had hated to give even indirect aid to colonies revolting against their absent monarch, when the southern hemisphere of America was filled with her own distant and ill-governed dependencies; how jealous she was lest a strong nation should grow up on the eastern bank of the Mississippi to confront her dominion on the western bank and to dispute the commerce of the great highway and the possession of New Orleans. Spain had made no alliance with us, as France had, on entering the war, nor had she been a party to our treaty of peace with England. Her minister, Florida Blanca, had declared that there was "a sort of equality of enmity" in the relations of England and America to Spain, which made it "difficult to desire that either side should win." When, therefore, the American commissioners at Paris, departing from the letter of their instructions, concluded peace with Great Britain alone, and France after some righteous protest acquiesced in the general pacification, Spain

had to be content with the recovery of Florida, leaving her great Mediterranean fortress in the hands of England. Partly to take revenge on the United States for precipitating the peace, partly to build up a powerful and exclusive empire on the Gulf of Mexico, Spain promptly closed the Mississippi to our western settlers and even arrested our traders on the eastern bank of the river above the Florida boundary.

Jefferson, as an expansionist, a patriot, and a Virginia "frontiersman," was opposed to yielding our rights on the Mississippi. He agreed with his predecessor at Paris, Benjamin Franklin, who said that a neighbor might as well ask him to sell his street door as to part with a drop of the waters of the Mississippi. "The disposition of Congress to shut up the Mississippi," wrote Jefferson to Madison from Paris, "gives me serious apprehension of the severance of the eastern and western parts of our confederacy." When he became secretary of state in 1790 he pressed the matter with vigor. On August 22 he sent to Carmichael, our minister at Madrid, certain "heads of considerations on the navigation of the Mississippi." It was our right, he claimed, and not a favor from Spain. "More than half the territory of the United States," he wrote, "is on the waters of that River. Two hundred thousand of our citizens are settled on them. . . . These have no other outlet for their tobacco, rice, corn, hemp,

lumber, house timber, ship timber. We have hitherto respected the indecision of Spain, because we wish peace and because our western citizens have had a vent at home for their productions. A surplus of products begins now to demand foreign markets."

Jefferson then considered the actual situation which the United States faced of either having to coerce the western settlements to accept their own economic ruin or to abandon them to Spain (to which they were "not disposed"), or to join them in a war against Spain to secure their economic freedom. He had no doubt that the United States would choose the last course. And he begged Spain to make the wise choice now of a permanently friendly neighbor¹ and the guarantee of the peaceful possession of all the territory west of the Mississippi, by voluntarily ceding to the United States the territories to the east of the river [New Orleans and the Floridas]. Needless to say, the Spanish Government did not adopt this amicable proposition of Jefferson's. Negotiations dragged on until he was out of office. It was not until 1795 that the treaty concluded by Thomas Pinckney secured us even a

¹ The passage in Jefferson's original draft is interesting: "Safer for Spain that we should be her neighbor than England. Conquest not in our principles. Inconsistent with our government. Not our interest to cross the Miss. for ages. And will never be our interest to remain with those who do." We bought the western basin of the Mississippi only thirteen years after this was written—and Thomas Jefferson was the purchaser!

temporary right of deposit and reshipment at New Orleans. For a full score of years from the peace treaty of 1783 to the purchase of Louisiana and the Island of New Orleans by President Jefferson in 1803 we were kept on the verge of a war with Spain over the navigation of the Mississippi.

Valuable as Jefferson's services were in his negotiations with foreign countries, and important as were the precedents which he established as our first secretary of state, it is for other activities and interests that he is chiefly remembered as a member of Washington's cabinet—just as during his years in France his official business was overshadowed by the issues of the approaching Revolution. The new Constitution of the United States abolished the clumsy and inefficient political machinery of the Confederation altogether. Federal government was built up *de novo*. Organization, which is the prior condition to administration, brought with it a multitude of questions bearing on the relations of the different departments of government to each other, the limits of executive and legislative powers, the interpretation of the mandates and prohibitions of the Constitution, and the reconciliation of projected legislation with its letter and spirit. It was not to be expected that a man of Thomas Jefferson's philosophical curiosity and practical experience in politics should renounce an active part in these questions in order to devote himself to the technical

duties of his department. Furthermore, the members of the cabinet were expected and invited by the President to furnish him advice on all important measures and policies. Washington was eminently cautious and deliberate. Though he did not shun responsibility or darken counsel by indecision, he took pains to learn the opinions of his subordinates and to defer to them so far as possible. As commander of the armies of the Revolution he heard patiently and weighed carefully the advice given in the council of his generals. As President he treated his cabinet as a council, supporting the opinion which won his consent or casting a deciding vote in case of a balance of opinion among the four members.¹

We have seen that Jefferson had some misgivings about certain details of the Constitution adopted by the fathers at Philadelphia (as what American patriot did not!); but we have also seen that he was a sincere believer in the Constitution as a whole, and unreservedly commended its chief features, such as the division of the government into three great branches, the "happy compromise" of interests be-

¹ Some members of the Constitutional Convention wanted the President limited by an executive council, but the proposition was defeated. Charles Pinckney in his plan of government spoke of the heads of departments as forming a "cabinet council," whose advice the President should consult. But the Constitution mentions neither "cabinet" nor "council." It does not even require the President to call the heads of the departments together in cabinet meetings. The cabinet was not officially recognized in our system until 1907.

tween the large and the small States, the qualified veto power of the executive, the power of taxation. "I would wish it not to be altered," he wrote in a letter from Paris to Francis Hopkinson, March 13, 1789, "during the life of our great leader, whose executive talents are superior to those I believe of any man in the world, and who alone by the authority of his name and the confidence reposed in his perfect integrity, is fully qualified to put the new government so under way as to secure it against the efforts of opposition."

Although Jefferson recognized the necessity for a Constitution and accepted the one framed, he was nevertheless solicitous that the federal power created by it should keep strictly within the letter of the law. He saw in the institutions of township, county, and State, in close touch with the people, the best guarantees of democracy. The New England town meeting he thought the most perfect form of government in America. He was jealous lest local liberties be encroached on by the Federal Government, and so he developed insidiously the centralization and paternalism which he considered the curse of the European monarchies. This solicitude, which was shared in a lesser degree by his kinsman and colleague in the cabinet, Attorney-General Edmund Randolph, was in sharp contrast with the bold, aggressive policy of the secretary of the treasury, Alexander Hamilton, who advocated the en-

largement and consolidation of the central power. Secretary of War Knox followed Hamilton almost slavishly. And Washington, while prizing Jefferson's advice highly, and attempting to hold the balance justly between the two "factions" of his cabinet, inclined more and more to the views of Hamilton. This condemned Jefferson finally to the rôle of the "leader of the opposition" in the cabinet.

When Jefferson reached New York in March, 1790, to take his seat at Washington's council board, the policy of the administration was well under way. Congress was in the midst of its second session. A tariff act had been passed to provide a national revenue and incidentally to afford protective encouragement to American manufacturers. The executive departments had been organized. The Supreme Court had been constituted, consisting of a chief justice and five associate justices, with seventeen subordinate circuit and district courts in the States. And, most significant of all, Alexander Hamilton, at the head of the treasury department, was fairly launched on the financial programme which split cabinet, Congress, and the country into the opposing parties of Federalists and Republicans.

On January 14, 1790, while Jefferson was still tarrying at Monticello, Hamilton presented to Congress his first *Report on the Public Credit*, a long document which Henry Cabot Lodge ranks second

only in importance to Lincoln's Emancipation Proclamation in our American state papers, for the far-reaching results which it produced. In it Hamilton urged not only the payment in full of the face value of the foreign and domestic debt of the United States contracted in the Revolution and under the Confederation, but even the assumption of the State debts by the central government—thus creating a great national debt of some seventy-five million dollars, held by the capitalists of the country, and assured to them as a permanent investment by the provision that Congress might redeem no more than two per cent of the principal annually. To Hamilton's opponents this scheme appeared like simply mortgaging the government of the United States to the capitalist class, extracting the annual interest of millions of dollars on the mortgage from the toil of the farmer, the artisan, and the merchant. Hamilton did not deny that his chief object was to rally the wealth of the country to the support of the government, to preserve the credit of the country in the eyes of foreign nations. As far back as 1780, when the paper currency of the country was almost worthless, he had written, as a young man of twenty-three, to the experienced financier, Robert Morris: "The only plan that can preserve the currency is one which will make it the immediate interest of the moneyed men to co-operate with the government in its support."

From this advocacy of a partnership between capital and government Hamilton never departed.

The contest over the assumption of the State debts, the hardest part of the Hamiltonian programme to put through Congress, was at its height when Jefferson arrived in New York. In the *Anas*, a kind of scrap-book thrown together nearly thirty years later from memoranda of conversations and impressions jotted down at the time, Jefferson gives a lively description of how he was drawn into the controversy. "So high were the feuds excited by this subject that . . . business was suspended. Congress met and adjourned from day to day without doing anything, the parties being too much out of temper to do business together. The Eastern members particularly, who, with Smith from South Carolina, were the principal gamblers in these scenes, threatened a secession and dissolution. Hamilton was in despair. As I was going to the President's one day, I met him in the street. He walked me backward and forward before the President's door for half an hour. He painted pathetically the temper into which the legislature had been wrought, the disgust of those who were called the Creditor states, the danger of the secession of their members, and the separation of the states. He observed that the members of the administration ought to act in concert, that tho' this question was not of my department, yet a common duty should make it a common

concern; . . . and that the question having been lost by a small majority only, it was possible that an appeal from me to the judgment and discretion of some of my friends might effect a change in the vote, and the machine of government, now suspended, might be again set into motion. I told him I was really a stranger to the whole subject; not having yet informed myself of the system of finances adopted, I knew not how far this [assumption] was a necessary sequence; that undoubtedly, if its rejection endangered a dissolution of our union at this incipient stage, I should deem that the most unfortunate of all consequences, to avert which all partial and temporary evils should be yielded. I proposed to him, however, to dine with me the next day, and I would invite another friend or two, bring them into conference together, and I thought it impossible that reasonable men, consulting together coolly, could fail, by some mutual sacrifices of opinion, to form a compromise which was to save the union." The informal diplomats of the dinner-table arranged the matter satisfactorily. Hamilton got his Southern votes for assumption, and the location of the capital went to the banks of the Potomac.

Later on, when Jefferson saw the full significance of Hamilton's financial programme, and realized to his horror that he had been made a party to fixing the "octopus" of the money power on the government, he complained bitterly that he had been

“duped” by Hamilton and “most ignorantly and innocently been made to hold the candle” for his nefarious act. At the time the bargain was made, however, Jefferson does not seem to have had any suspicion of deceitfulness on Hamilton’s part or impropriety in his own behavior. In his contemporaneous correspondence he speaks of assumption in a disinterested fashion as “one of those questions which present great inconveniences whichever way it is decided”; as a measure “to be yielded to for the sake of union and to save us from the greatest of all calamities, the total extinction of our credit in Europe”; and as “a proposition which could not be totally rejected without preventing the funding of the public debt altogether, which would be tantamount to a dissolution of the government.” On the day before the bill passed he wrote approvingly to Francis Eppes, his brother-in-law: “The assumption of the state debts will, I believe, be agreed to.” These quotations make clear that Jefferson, in so far as he had given any attention to the question of assumption, was not at any serious disagreement with Hamilton, and give some color to the charge of his hostile biographers that he was inclined to read sinister motives into the acts of men from whom he had come to differ. Jefferson had no cause to complain of the assumption bill. He had been in this country ever since the policy was broached in Hamilton’s first *Report*. He was an

astute observer of current opinion and a close student of public affairs. If he was "duped" by Hamilton in 1790 he had only himself to blame.

The statement, often repeated, that Washington called Jefferson and Hamilton into the cabinet as representatives of opposing opinions, so that he might hear both sides of every question and himself hold the balance between the conflicting opinions, is not true to fact. The two men probably knew each other only slightly, though both had been occasional members of the old Congress of the Confederation. They could never have been congenial friends with their total disparity in tastes and temper, but there is nothing to show that they did not regard each other with mutual respect when they first met at Washington's cabinet table. Jefferson, at any rate, had written from Paris in 1785 to an English friend who was thinking of opening a lawsuit for the recovery of confiscated lands in New York, "to apply to Colo. Hamilton, who was an aid to Genl Washington, and is now very eminent at the bar and much to be relied on." Antagonism developed rapidly, however, between the two secretaries after their first months in the cabinet together, and before a year had passed they were sure to be found pitted against each other on every measure proposed. Hamilton had the advantage of being earlier on the field and getting his measures well started before Jefferson appeared. He also enjoyed the friend-

ship and confidence of Washington to a degree not shared by any other man. The establishment of our finances on a sound basis being the most important task of the new government, Hamilton's office and person were brought into a prominence in the new government which not even the delicate and complicated questions of foreign policy could obscure. Against these handicaps Jefferson only fought the harder for his principles. If his language was sometimes extreme, if his methods at times verged on arbitrariness, if he was too quick to read interested motives into his adversary's acts, or if he took fright too easily at the spectre of "monarchy," it is only fair to remember that he was the "leader of the opposition" in the government.

The Hamiltonian policies of funding the debt of the Confederation at par, of assuming the State debts, and of erecting a national bank to hold the government balances and handle the government loans and disbursements, all seemed to Jefferson parts of a cleverly laid conspiracy to convert our new republic into a virtual monarchy. Hamilton was outspoken in his admiration for the English model. Once when John Adams remarked in his presence that the British Government, if purged of its corruptions, would be the most perfect government on earth, Hamilton replied that even with its corruptions it was the most perfect government on earth—a reply on which Jefferson based his charge

in the *Anas* that "Hamilton was not only a monarchist, but for a monarchy based on corruption." We had no aristocracy of blood and title, but its place could be supplied by an aristocracy of wealth, just as effectively in control of the government through the monopoly of its funds.

Moreover, the way by which such control was being secured by Hamilton's followers, Jefferson contended, was dishonorable if not downright dishonest. Members of Congress and their friends among the capitalist class of the Atlantic seaboard, knowing of the probable passage of the funding bill long before the news reached the "common people" and especially the farmers of the interior regions, began to buy up the depreciated securities of the Confederation (often the only wealth of the retired Revolutionary soldier) with great eagerness and at a substantial discount. "Couriers and relay horses by land," says Jefferson in the *Anas*, "and swift sailing pilot boats by sea, were flying in all directions. Active partners and agents were associated and employed in every State, town, and country neighborhood, and this paper was bought up at five shillings and even as low as two shillings in the pound, before the holder knew that Congress had already provided for its redemption at par. Immense sums were thus filched from the poor and ignorant, and fortunes accumulated by those who had themselves been poor enough before. Men thus

enriched by the dexterity of a leader would of course follow the chief who was leading them to fortune, and become the zealous instruments of all his enterprises." Jefferson called the fund-holders in Congress "a corrupt squadron" marshalled by the secretary of the treasury.

It is unfortunately true that speculation took place, and even reached a mania which Hamilton himself deplored as much as Jefferson. It is true that men gained undeserved fortunes rapidly, and that the fund-holders voted solidly for Hamilton's measures in Congress. But even Jefferson confessed that our credit must be restored. Could it have been restored without the funding measures, even though they brought speculation in their train? And granting that there was room for an honest difference of opinion on the equity of the funding measures, there is still no reason for characterizing Hamilton's party as "corrupt." The secretary of the treasury acted in good faith. There is no evidence at all that he gave "tips" to congressmen or capitalists on the policy of the department. He believed that the debt of the country should be redeemed at par value for the sake of the country's credit and common honesty. His object was not to rob anybody. He did not act precipitately or secretly. The question of redemption was already agitated before Hamilton made his famous *Report* of January 14, and had received the approbation of President Washington.

The price of the certificates of the Confederation debt had been rising steadily since the adoption of the new Constitution.

When Washington signed the bill establishing a national bank in 1791, and thus put the capstone on the Hamiltonian financial structure, Jefferson, defeated in Congress and the cabinet, turned elsewhere for allies in his fight to "save the republican form of government." He had faith in "the people," the great mass of farmers, artisans, small traders, and humble folk, whom Hamilton and his followers half feared and half despised as the "mob." "Your people, sir," exclaimed Hamilton in a post-prandial discussion, bringing his fist down on the table, "is a great beast"! To educate the mass of the people, on whom the hope of continued freedom must depend, so that they should be increasingly capable of supervising and controlling their governors, seemed to Jefferson the sublimest mission of the republic. He didn't object to "a little rebellion now and then," nay, he even prayed God that we should never be twenty years without one, because rebellions showed that the people were alert "to resist the evils under which, if they remained quiet, it meant a lethargy, the forerunner of death to the public liberty." He owned that he was "not a friend to a very energetic government," which tended invariably to oppression. "The people are the only censors of their governors," he declared

. . . "they may be led astray for a moment, but will soon correct themselves." Publicity was the only cure for political evils. The basis of our government being the opinion of the people, its very first object should be to keep that right.

It was in perfect accord, therefore, with Jefferson's principles to transfer the fight against Hamilton's financial measures, the "corrupt squadron," the "anglomaniacs" and "monocrats," who wished to subvert our Constitution, from Congress to the country at large, and to educate the people to a jealous guardianship of their liberties. A certain Philip Freneau, poet and journalist, an ardent Democrat, was recommended to the good offices of Jefferson by his old college-mate at Princeton, James Madison. Jefferson gave Freneau a position as translating clerk in the Department of State at the magnificent salary of two hundred and fifty dollars a year, and encouraged him to set up a newspaper in Philadelphia as a makeweight to John Fenno's *United States Gazette*, which under Hamilton's patronage was "disseminating the doctrines of monarchy, aristocracy, and the exclusion of the influence of the people." Freneau's *National Gazette*, which began to appear weekly in the autumn of 1791, was the most caustic sheet that ever came from the printing-presses of America. In prose and verse alike it lashed the "First Lord of the Treasury" and all his satellites. Even the imperturb-

able Washington, to whom the editor with diabolical politeness mailed three "complimentary" copies of every issue, was stung to indignant protest by its virulent abuse. He complained to Jefferson, but got little comfort. "I took it his intention," says Jefferson, "to be that I should interfere in some way with Freneau, perhaps withdraw his appointment as translating clerk to my office. But I will not do it. His paper has saved our Constitution, which was galloping fast into monarchy."

The attacks of Freneau in the *Gazette* destroyed the last semblance of friendship in the relations of Hamilton and Jefferson, already strained to the breaking-point by contests in the cabinet over every detail of the treasury programme, and embittered by the high-handed interference of Hamilton with the business of the Department of State. The secretary of the treasury accused Jefferson of being the "patron" of the *Gazette*, and scored him for vilifying the administration in which he himself held so conspicuous a place. Jefferson declined to reply, but Freneau made an affidavit to the effect that Jefferson had nothing to do with his paper and had "never directly or indirectly written, dictated, or composed a single line for it." The unedifying wrangle of the two chief officers of the cabinet, sometimes coming near to blows across the council table, distressed the President. He wrote to them both in the summer of 1792, endeavoring to effect a

reconciliation, but without success. Both secretaries were devoted to Washington, and would have done anything possible to please him; but it was impossible for them to agree or even to agree to disagree. Each in his reply to Washington threw the blame on the other, and both offered to resign. But Washington wanted them both in his cabinet, and they remained to quarrel for more than a year longer.

During the sultry days of August, 1792, while Washington was laboring to restore harmony in his cabinet, a Jacobin uprising in Paris drove King Louis XVI from the throne which his Capetian ancestors had occupied for eight centuries. On September 22 a convention of seven hundred and fifty delegates of France, assembled at Paris, proclaimed the first French Republic. When the news of these events reached America in the early winter there was great rejoicing. The Society of Tammany illuminated the windows of its "wig-wam" in New York. In Boston a great "civic feast" was held in honor of the new republic. The name of Oliver's Dock was changed to Liberty Square; an ox was roasted whole and distributed to the people with bread and punch; the school children were given "civic cakes" stamped with "liberty and equality." Men and women wore the tricolor cockade and addressed each other as "citizen" and "citess" after the manner of the Jacobins. Then more news came of a different sort:

how the convention had divided into the warring factions of the Mountain and the Gironde, how they had executed their King and declared war against Great Britain.

The effect of these rapid events of the French Revolution on America was to widen the cleft between the two parties, which had already formed on the financial issue, and which had already had their first trial of strength in the elections of 1792.¹ The Federalists, as Hamilton's followers were called, including the great merchants and bankers, the place-men and security-holders, the Tories and the majority of the clergy, sympathized with England. Over fifty per cent of our trade was with British ports and over seventy-five per cent of our revenue was derived from that trade. Our imports from Great Britain and her colonies in 1792 were over fifteen million dollars, as against two million dollars from France. Large amounts of British capital were invested in the shares of our national bank. The farmers, artisans, and small traders, on the other hand, whose interests were wholly domestic and whose desire was for economy with low taxes, followed Jefferson as the party of the Democratic-Republicans. They sym-

¹ Washington was again the unanimous choice of the electors for President, but the choice for the second place was contested with party bitterness. John Adams, the administration candidate, received 77 votes, while his Republican opponent, George Clinton, got 50, and Jefferson the 4 votes of Kentucky. A Republican majority was elected to Congress.

pathized with France, both because she was our ally, to whom we owed in large measure our independence, and because she was the enemy of England, whose institutions we were now "slavishly copying." They saw in the French *Declaration of the Rights of Man* (August, 1789) the reassertion of the principles of the Declaration of Independence, to which, they said, we were becoming recreant.

We had made a treaty of alliance—the only one in our history—with France in 1778, guaranteeing her possessions in the West Indies in case of rupture between France and England, and opening the ports of the United States to French ships of war bringing in enemy prizes. When Edmond Genêt, emissary from the new French Republic to the "sister Republic" of the United States, landed at Charleston, South Carolina, in April, 1793, he expected to profit by this alliance. He didn't ask us to join in the war against Great Britain, because he knew that the terms of our treaty would not warrant that request, but he did ask certain favors and assume certain powers which soon brought him into conflict with the authorities at Philadelphia. He wanted us to advance interest payments on our debt to France which he might expend for military supplies in America. He took a British prize within the capes of Chesapeake Bay, and proceeded to fit out ships in our ports to prey on British commerce. He brought blank commissions to fill out

with the names of American citizens who should raise regiments or naval recruits for the war.

Washington, with the unanimous consent of his cabinet, declared our neutrality toward the European struggle (April 22, 1793), but Genêt's excitable temper was only the more aroused. He criticised the President and scolded the secretary of state. He paid his sarcastic compliments to a "republic" that allowed itself to be governed by an "aristocrat." He used the Republican press to make propaganda for France, indulging in highly colored rhetoric on the ingratitude of a land where French blood had been poured out like water for the cause of freedom. In defiance of the warnings of the government, and in violation of his own implicit promise to Jefferson, he allowed the converted prize the *Petite Démocrate* to sail away from her moorings at Philadelphia.

Jefferson's conduct in these trying circumstances is acknowledged even by those historians who are quick to condemn his motives to have been most correct. It was a great disappointment to him that the envoy from the nation which he set next to his own in his affections should behave in such a way as to merit rebuke and finally dismissal, but he did not hesitate on that account to do his duty. He delivered a cabinet opinion on May 16, 1793, to the effect that we should forbid France to fit out privateers in our harbors and apologize to Great

Britain for the capture of any of her vessels on the high seas by such privateers. He warned Genêt that French vessels illegally equipped and commanded must leave our waters. He quoted Vattel and other learned authorities on the laws of nations, much to Genêt's disgust, who begged that they might treat like republicans and not "lower" themselves "to the level of ancient politics by diplomatic subtleties." "I do not augur well of the conduct of the new French minister," wrote Jefferson to Monroe on June 28, 1793. "I am doing everything in my power to moderate the impetuosity of his movements and to destroy the dangerous opinions which have been excited in him that the people of the United States will disavow the acts of their government, and that he has an appeal from the Executive to Congress and from both to the people." And a few days later to Madison: "Never in my opinion was so calamitous an appointment made as that of the present minister of F[rance] here. Hot-headed, all imagination, no judgment, passionate, disrespectful, and even indecent to the P[resident] . . . he renders my position immensely difficult." Finally Genêt's recall was demanded, Jefferson writing to our minister at Paris, Gouverneur Morris, a review of the conduct of the impetuous envoy, and declaring that "if our citizens have not already been shedding each other's blood, it is not owing to the moderation of M. Genêt." Jefferson realized, of

course, that the recall of Genêt, while a relief to himself, would be in the nature of a triumph for the Hamiltonian party, who had warned against the danger of showing any sympathy with the French democrats; but he was not deterred thereby from doing his duty to the President and the laws of the country. Professor McMaster's unjust remark that Jefferson was "at all times more French than American" needs no further refutation than the Genêt episode.

Ever since his failure to check the financial centralization of the Hamiltonian programme, and his consequent alienation from the policy of the administration, Jefferson had been anxious to resign from the cabinet. He intended fully to retire at the end of Washington's first term, and wrote to the President from Monticello on September 9, 1792, in reply to the appeal for reconciliation with Hamilton, that he looked "to that period with the longing of a wave-worn mariner who has at length the land in view." At the President's solicitation, he consented to remain, but the vexation of Genêt's conduct and the encroachment of Hamilton on his department by instructing the collectors of customs to be on the lookout for French violations of neutrality and report them to him in secret made the thought of continuing in the cabinet intolerable to him. On July 30, 1793, he again wrote Washington, begging to be relieved of his office "at the close of the pres-

ent quarter (September 30).” He alleged his doubtless sincere desire to return to Monticello to repair his estate, but political vexations were probably the chief reason for his request. When Washington called on him in August to persuade him to remain until the end of the year, Jefferson declared that he was obliged in the present cabinet to move exactly in the circles which bore him peculiar hatred: “That is to say, the wealthy aristocrats, the merchants connected loosely with England, the newly created paper fortunes.” “Thus surrounded my words are caught, multiplied, misconstrued, and even fabricated and spread abroad to my injury.” Jefferson stayed to the end of the year, however, and departed for Monticello with a New Year’s letter of hearty commendation from the President: “Since it has been impossible to persuade you to forego any longer the indulgence of your desire for private life, the event, however anxious I am to avert it, must be submitted to. But I cannot suffer you to leave your station without assuring you that the opinion which I had formed of your integrity and talents, and which dictated your original nomination, has been confirmed by the fullest experience; and that both have been eminently displayed in the discharge of your duty. Let a conviction of my most earnest prayers for your happiness accompany you in your retirement.” So clear had Jefferson been in his great office that John Marshall could not withhold

a word of tempered praise in declaring that "this gentleman withdrew from political station at a time when he stood particularly high in the esteem of his countrymen."¹

¹ William E. Curtis in *The True Thomas Jefferson*, a book teeming with errors, says that Jefferson "used underhand methods and was commonly engaged in intrigue not only against his colleagues in the cabinet but even against Washington"; that his reply of September 9, 1792, to Washington's letter was "insulting and inexcusable"; but that Washington out of respect for Jefferson's ability and patriotism "overlooked the insult and allowed him to remain in the cabinet"; that Jefferson promised to resign in January, 1793, but when the time came reconsidered and held on to his place, much to the President's disappointment; and that, finally, "Jefferson declined to dismiss Freneau and was himself compelled to resign." Every single one of these statements is false. But perhaps nothing better could be expected of a book that is vitiated all the way through by the hypothesis that Jefferson was a demagogue whose "plans of government were acquired from the French revolutionists," who had moved among "the citizen leaders of the Revolution and experienced the bloody and furious scenes in France." Mr. Curtis makes Jefferson bring home to America the Jacobin fury two years before it broke out in France.

CHAPTER VII

THE REPUBLICAN TRIUMPH

We are sensible of the duty and expediency of submitting our opinions to the will of the majority, and can wait with patience until they get right if they happen to be at any time wrong. (Jefferson to John Breckenridge, January 29, 1800.)

"THE ensuing year will be the longest of my life, and the last of such hateful labors," wrote Jefferson to his daughter, Martha Randolph, in March, 1792; "the next we will sow our cabbages together." In letters written to his friends after his belated return to Monticello, he renounces all further interest in politics. He is now "settled at home as a farmer," his mind "totally absorbed in rural occupations." To John Adams he writes that his only regret is that his retirement was "postponed four years too long." He replies to a friendly letter from Washington with the sentiment: "I cherish tranquillity too much to suffer political things to enter my mind at all"; and declares to Madison that he has not seen or wished to see a Philadelphia paper since he left the town. Indeed he doubted if he should "ever take another newspaper of any sort"—the man who preferred newspapers without a government to a government without newspapers! If such senti-

ments sound hypocritical, especially in view of the fact that Jefferson presently entered the political race and spent twelve consecutive years in the offices of Vice-President and President, we must remember that it was the fashion in his day for public men to protest in elaborate terms their aversion to the cares of office, and to think themselves in "declining years" when they had reached the age of fifty. Jefferson was probably sincere in his belief that he had given up active political life forever for his cabbages at Monticello. But he soon began sowing the seeds of a different harvest.

"It is easier to get into politics than to get out of them," remarks the Tory in Lowes Dickinson's *Modern Symposium*. So it proved with Jefferson. His retirement from the cabinet left a free field in the administration to Hamilton, under whose influence Washington became an out-and-out Federalist. "I shall not," the President wrote to Pickering in September, 1795, "while I have the honor to administer the government, bring a man into any office whose political tenets are adverse to the measures which the general government are pursuing, for this, in my opinion, would be a sort of political suicide." The brief experiment of non-partisan government was at an end in the United States. But Thomas Jefferson was not the man to stand idly by and see what he considered the wrong party and principles win. He was too much of a politician

and too much of a patriot for that. The opponents of the administration in Congress and the country at large had already come to look on him as their leader, and he must not fail them. The Republicans of Boston in a caucus wrote him just after his resignation from the cabinet that "if he would place himself at their head, they would choose him at the next election." The politics which he banished from his earliest letters from Monticello in 1794 came stealing back, in first a sentence, then a paragraph, then a disquisition. He checks himself resolutely with "but away, politics!" and turns to the praise of his clover or the price of his wheat. But the old lure is too strong for him. His conversion is unconvincing. He reminds one of Saint Jerome, turned Christian, trying to scourge the love of Cicero out of his mind.

The leaders of political parties have always been inclined to attribute base motives to their opponents and high motives to themselves; and the historians who come after them have too often been willing to accept one or the other of the evaluations as true according as their own sympathies inclined. For the Federalists, Jefferson and his followers were the advocates of the irresponsible rule of the mob. They were deliberately working to bring the government into contempt and ruin its credit in the eyes of Europe. They opposed its "compulsive energy" because they didn't want to pay their

debts. They "generated mistrust and irritation between this country and Great Britain" because they were under "the baleful ascendancy of French influence" and the victims of "a contagion of levelism." They were inoculated with the incendiary, anarchistic, atheistic poison of the Jacobins. For the Republicans, on the other hand, Hamilton was the chief of a "corrupt squadron" in Congress who had created a fictitious debt in order to keep the common people of the country under a perpetual burden of taxation, which would insure their social serfdom to "the rich, the well-born, and the able." The Federalist system "flowed from principles adverse to liberty." Its adherents flouted the Constitution and wished to "administer it into a monarchy." Their contempt for the people proceeded from the motives of aristocratic snobbery and economic greed. What each party prized as its principles the other denounced as rank prejudices. The fiscal system which Hamilton regarded as the guaranty of our national honor, was for Jefferson "a tissue of machinations against the liberty of the country"; while Fisher Ames stigmatized as "revolutionary Robespierreism" the Republican movement which Jefferson called "the awakening of the spirit of 1776."

It would be idle to multiply quotations to prove the truth or the falsehood of either of these points of view. The test of their "truth" is an experimen-

tal one. / Politics is not a determined science, but a very flexible and pragmatic art. And, doubtless, since speculation on the forms and functions of government began, men have been divided into these two fundamental parties—one advocating government *for* the people by the strong, the rich, the titled, the educated; the other advocating government *by* the people through eliciting the dormant intellect and virtue of the whole community by a wide-spread system of free education, a close control of public officers by the people, and a wide extension of the suffrage. As long as men live together in political societies there will be those who fear anarchy more than tyranny and those who set freedom above efficiency. We incline toward the one or the other of these opinions according to our nature and nurture, and the bias is seldom removed by education or experience. There are “tastes” in politics as well as in food, and they are as impossible to account for. Witness Alexander Hamilton, the illegitimate son of a Scotch father and a French mother, a restless spirit with the shrewd sense of one parent and the versatility and grace of the other, an ardent, precocious boy, coming from the British island of Nevis to New York as a venture for his education, an orator swaying crowds as an undergraduate of King’s College at the age of seventeen; and Thomas Jefferson with the aristocratic blood of the Randolphs in his veins, dining with the

royal governor's little *partie quarrée* in Williamsburg, settled on his broad acres at Monticello with his numerous slaves and dependants, retiring in nature, silent in public, ultra-sensitive, a litterateur and musician, a philosopher and scientist. By all the canons of probability Jefferson should have been the aristocratic Federalist and Hamilton the Democratic-Republican. *Dis aliter visum!*

Jefferson's democracy was not a pose or a pretext: it was a deep-seated principle. He devoted himself wholly to the reform of the evils which "the shameless corruption of a portion of the representatives in the first and second Congresses" had introduced, as he wrote to his successor in the State Department, Edmund Randolph, "because on the success of such exertions the form of the government is to depend." "Were parties here," he writes to the Virginia congressman, Giles, "divided merely by greediness for office as in England, to take a part in either would be unworthy of a reasonable or moral man; but where the principle of difference is as substantial and as strongly pronounced as between the Republicans and Monocrats of our own country, I hold it as honorable to take a firm and decided part and as immoral to pursue a middle line as between the parties of honest men and rogues into which every country is divided." Jefferson believed in the common people as "the most honest and safe, tho' not always the most wise de-

pository of the public interest." He confessed that he was not among those who feared the people. George Washington wrote: "Mankind left to themselves are unfit for their own government." John Marshall said: "I fear, and there is no opinion more degrading to the dignity of man, that those have truth on their side who say that man is incapable of governing himself." But Thomas Jefferson never experienced such disillusionment. His optimism was too deeply founded in the philosophy of human perfectibility through education to be shaken even by revolutions, whether tiny as Shays's or mighty as Danton's. He didn't dread wiping the slate clean—of constitutions, national debts, religious creeds, privileged orders, or even a whole generation of men and women—if liberty depended on the issue of the contest. The September massacres in Paris he deplored, but rather than have seen the cause of the Revolution fail, he wrote to William Short, he would have had half the earth desolated. "Were there but an Adam and Eve left in every country and left free, it would be better than it now is."

There is obviously much ridiculous exaggeration in these sentiments, just as there is in the expressions of the Federalists in the countercharges that the Republicans were "a composition of incongruous materials all tending to mischief," led by "an atheist in religion and a fanatic in politics" (the words are Hamilton's). Jefferson may well have

been mistaken in his estimate of the effect on the country of the Hamiltonian measures of funding, assumption, the tariff, excise duties, and the bank; but to make jealousy of their author the source of Jefferson's opposition to them is to take the effect for the cause. Jefferson distrusted and even detested Hamilton, not because he was a successful rival for the favor of the President and Congress, but because he was the advocate of principles which Jefferson believed his life long to be destructive of genuine democracy. One need not agree with Jefferson's political philosophy to accord him the justice of the recognition of this truth.

When Jefferson left the cabinet the "treasury phalanx" was still intrenched in Congress and the courts. The opposition to Hamilton's political and financial centralization was wide-spread but unorganized. "Are the people in your quarter as well contented with the proceedings of our government as their representatives say they are?" asked Jefferson of R. H. Lee as early as February, 1791. "There is a vast mass of discontent gathered in the South, and how and when it will break God knows. I look forward to it with some anxiety." To organize this "vast mass of discontent," not only in the South, but all through the land, was the task which Jefferson undertook in the enthusiasm of his democratic faith. He believed that the great majority of the American people, if they found their voice,

would protest against the Hamiltonian policy through which our country was fast "galloping into monarchy." There was no further help in an unreformed Congress which passed Hamilton's bills at his bidding. "The only correction of what is corrupt in our present form of government," wrote Jefferson to George Mason, "will be the augmentation of the numbers in the lower house, so as to get a more agricultural representation, which may put that interest above that of the stock-jobbers."

Jefferson had so strong a prejudice in favor of the agricultural classes that he was even partially reconciled to the ravages of the yellow fever in the cities. It swept away the "artificers" (mechanics), whom he considered "the panders of vice and the instruments by which the liberties of a country are generally overturned." The cultivators of the soil, on the other hand, he wrote to John Jay in 1785, "are the most valuable citizens: they are the most vigorous, the most independent, the most virtuous, and they are tied to their country and wedded to its liberty and interests by the most lasting bonds." Hence Jefferson's opposition to the mercantile and industrial interests which were encouraged by Hamilton's funding policy and protective tariff. Jefferson was a "physiocrat." If he had any French tutor it was not the eccentric Rousseau with his "virtuous savage," but the practical Turgot, who sought to build the state on the broad foundations

of local liberties, resting on the ultimate base of the nation's wealth—the soil. It was not because Jefferson was “stupid” or “lacking any capacity for financial matters” that he rejected the whole structure of Hamilton: industrial stocks resting on the bank issues, and these on the consolidated public debt, and all on the foundation of taxation. It was rather because he saw in it what to him was the vicious principles of a perpetual debt with its double curse of speculative attraction for the rich and burdensome taxation for the poor. He looked askance on Hamilton's cunning in figures, as Luther did on the great Augsburg bankers, the Fuggers. “I am not skilled in accounts,” said Brother Martin, “but I do not understand how 100 gulden can gain 20 in a year, or how one can gain another, and that not from the soil or cattle, where success depends not on the wit of men but on the blessing of God.”

The skill and diligence with which Jefferson organized the opposition to the policy of the administration has been recognized by his friends and his foes alike. “Almost never,” says Professor Channing, “has a political party been so efficiently or so secretly marshalled and led.” Jefferson had need of all the patient optimism of his nature in building up a Republican party, for not only were the “Monocrats” firmly intrenched in public office, with the private support of wealth and of that social deference which was common in the days of our fore-

fathers, but there was little apparent promise in the material out of which the new party had to be built. Soon after he left the cabinet Jefferson wrote from Monticello to Madison: "I could not have supposed when I left Philadelphia that so little of what was passing there could be known even at Kentucky as is the case here. Judging from this of the rest of the Union, it is evident to me that the people are not in a condition either to approve or disapprove of their government, nor consequently influence it." To cure this ignorance and indifference, which alone kept the great majority from the exercise of political power, Jefferson started a campaign of education. He did not write for the press himself, but he encouraged his political henchmen to do so, with little scruple for the niceness of their speech. "Jacobin" papers began to appear everywhere, and the success of their propaganda is evidenced by the outrageous Sedition Act passed by John Adams's first Congress primarily to punish Republican editors. "Along with infidel philosophy," wails a Federalist organ, "a most powerful cause of the rapid decay of our government is a licentious and prostituted press." Another Federalist editor bemoans the fact that Republican papers have been established "from Portsmouth to Savannah."

Jefferson was tireless in his devotion to the cause. He gathered his "lieutenants," Madison, Monroe, and Nicholas, about him at Monticello for week-end

conferences. He wrote hundreds of letters to the growing group of Republicans in Congress and the State legislatures. His political clientèle reached from the Maine wilderness to the Kentucky frontier, and his power to command the co-operation of his followers seemed almost hypnotic. "Every man must lay his purse and his pen under contribution," he wrote to Madison in the fiercest part of the struggle with federalism; "let me pray and beseech you to set apart a certain portion of every post-day to write what may be proper for the public."¹ From 1789 to 1793 about twenty per cent of Madison's correspondence was with Jefferson; from 1793 to 1800 the percentage rose to nearly eighty. If Jefferson could so command the political service of James Madison, it is easy to see what his influence must have been on lesser men from Monroe down.

Probably the chief cause of Jefferson's ultimate success was his confidence in the triumph of democracy because democracy was right. In this faith he never faltered. If the Jacobins of Paris plunged into an orgy of blood in the sacred name of democracy, it was the Jacobins and not democracy that should bear the stigma. If rogues in America masqueraded as friends of the people, it was no argu-

¹ In the same letter Jefferson asked Madison to publish his Notes taken in the Federal Convention, thinking they would revive interest in the first principles of our democracy. These valuable Notes were sold to Congress in 1837 by Madison's widow for thirty thousand dollars, and published by the government in 1841.

ment that the real friends of the people were rogues. Neither the indiscretion of Genêt nor the perfidy of Talleyrand could disturb his faith. Neither defeat in diplomacy nor disaster at the polls could shake his confidence. When his friends lost courage he cheered them. "The tide against our Constitution is unquestionably strong," he wrote to Congressman Giles, "but it will turn. Everything tells me so, and every day verifies the prediction. Hold on, then, like a good and faithful seaman till our brother sailors can rouse from their intoxication and right the vessel." When John Taylor, of Caroline, advised secession from the perverse aristocrats of New England, who had acquired an "unrepublican ascendancy," Jefferson rebuked him: "It is true that we are completely under the saddle of Massachusetts and Connecticut, and that they ride us very hard . . . but if in a temporary superiority of one party, the other is to resort to a scission of the Union, no federal agreement can ever exist. . . . Suppose the New England states alone cut off, will our nature be changed? Are we not men still to the south of that, with all the passions of men? Immediately we shall see a Pennsylvania and a Virginia party arise in the residuary confederacy, and the public mind will be distracted with the same party spirit. . . . A little patience and we shall see the reign of witches pass over, their spells dissolved, and the people recovering their true sight and restoring their

government to its true principles. . . . For this is a game where principles are at stake." The echoes of these words are in the speeches of Webster and the messages of Lincoln.

If the Constitution was maladministered, in other words, the remedy was not to destroy the Constitution but to change the administration. Slowly but steadily Jefferson's propaganda gained ground, winning a district here and a county there. The Federalists saw it encroaching even on their sacred precinct of New England, and likened it to the plague of locusts; but they were powerless to check it. They had never taken the people into their confidence. They knew only how to rule, not to persuade. They clung to old shibboleths and sounded wild cries of warning against the "political heresies gaining ground among us," preached by "democratical Jeffersonians" and "itinerant Jacobins" holding forth in the bar-rooms of Rhode Island and Vermont. But they were fighting an ideal with memories. Jefferson asked only for "health and a day." The great ally, Time, was on his side.

But if Jefferson was an idealist in theory, in practice he was one of the most astute and hard-headed politicians that ever appeared in our public life. The contrast between his lofty professions and his shrewd methods has tempted many historians to dismiss him rather contemptuously as a deliberate hypocrite or a self-deceived visionary. He was as

elusive as Robespierre. He avoided a frontal attack for the hidden policy of sapping and mining. He was exasperatingly silent when his enemies were waiting for him to deliver himself into their hands by confession or apology. He was fertile in the suggestions that set a hundred men to work. Being in opposition to the administration during the full decade which elapsed from the triumph of Hamilton's financial policy to his own inauguration as President, he became a past master in the Mephistophelian art of destructive criticism and "slow disparagement." Not an act of the government of Washington and Adams escaped his lynx-eyed scrutiny. Our whole domestic and foreign policy during the last decade of the eighteenth century was a continuous text for his running sermon on the betrayal of democracy in the house of its glorious birth.

The resignation of Jefferson from the cabinet coincided with the development of complications between this country and France and England, which were destined to involve us in two actual wars, and to bring us again and again to the verge of war before Napoleon Bonaparte was finally sent to his rocky exile on St. Helena. So long as the French Revolution was a purely domestic affair or (with the intervention of Austria and Prussia in 1792) only a continental European affair, it did not touch us directly. The "Francophiles" and "Anglomen"

in this country could rejoice over the victory of Valmy together, or shudder at the slaughter of the aristocrats. They could chant the carmagnole or quote Burke's mournful prophecies with the detachment of distant, if interested, observers. But when Great Britain was drawn into the conflict the war came home to us; for Great Britain ruled our commerce. We proclaimed neutrality and rebuked Genêt. But neutrality was hard to keep.

The French Republic immediately threw open the French West Indian ports to our ships, a piece of crafty generosity to prevent the islands from being starved when England's powerful navy should cut them off from the French trade. Great Britain, invoking the "Rule of 1756," which forbade a belligerent to open its ports to a nation to whom they had been closed in time of peace, refused to regard our trade with the French Indies as "neutral." She seized hundreds of our vessels, condemned the cargoes, destroyed the ships, maltreated and imprisoned the seamen, or impressed them into service on British men-of-war. Orders in Council of the summer and autumn of 1793 instructed British captains first to stop vessels loaded with corn, flour, or meal bound for France, and later all ships carrying products of the French colonies or conveying food to French colonies. This arbitrary extension of the list of contraband of war was a violation of the code of international law. It aimed at the

starvation of France. Great Britain determined that in this war "there should be no neutrals."

In the early spring of 1794 war with Great Britain seemed inevitable, even to "most of our good, cool men of Boston," as a merchant of that town wrote to Secretary Knox. Dayton, of New Jersey, proposed in Congress that debts due to English subjects be sequestered and the amount paid into the treasury of the United States to indemnify the American merchants who had been despoiled by England's cruisers. A bill to suspend all commercial intercourse with Great Britain until she made reparation for her aggressions and delivered up the Western fur-posts which she still held in defiance of the treaty of 1783, was defeated only by the casting vote of John Adams in the Senate. Lord Dorchester, the governor of Canada, added fuel to the flames by a speech to a delegation of hostile Indians of our Northwest, in which he tried to rouse them to a campaign to regain their lost lands by telling them that it was probable that England and America would be at war within a year. Congress voted bills to fortify our harbors and build frigates. The artillery service was strengthened and a levy of eighty thousand militia authorized. The seaport towns sent memorials to Congress breathing defiance. Three thousand men actually began to drill at Marblehead, Massachusetts.

But other counsels prevailed. To avoid both

war and the interruption of our commerce with England, Washington sent John Jay, chief justice of the supreme court, as envoy extraordinary to London to smooth out our difficulties. The treaty which Jay brought home after several months labor with the British ministers was more meagre even than the proverbial "half a loaf." It was silent on the major questions of impressments and the repeal of the odious Orders in Council, and granted only niggardly concessions to our West Indian traders. It was so unpopular in the seaport towns that Jay was burned in effigy in Boston and Hamilton was struck in the face by a brick-bat while defending it in an open-air meeting at New York. Yet it was ratified, by the bare two-thirds vote of the Senate necessary, in deference to Washington's conviction that the alternative was a war with Great Britain, which we could ill afford to wage.

Naturally, the Republicans made great capital out of the Jay Treaty. They had a rejoinder now to the charge of their subserviency to France in the days of the Genêt mission. "Mr. Jay's representation was not in the stile of a firm demand for compensation for injuries done to our citizens," wrote a prominent Republican lawyer of Virginia to Madison, "but rather supplicating the benevolence of his Brittanic Majesty for relief." Jefferson called the treaty "an execrable thing," "an infamous act which is really nothing more [less] than a treaty of

alliance between England and the Anglomen of this country against the Legislature¹ and the people of the United States." He maintained that a policy of firmness, by which he meant enforcement of non-intercourse, would have brought England to terms. In the light of his policy of "firmness" when applied a dozen years later by President Jefferson, we can see the superior wisdom of Washington's course, but to the Republicans of 1794 Jefferson's untested theory carried the recommendation of the prestige of his name. And they were fortified in their contention that the treaty embroiled rather than ameliorated our foreign relations, by alienating our only friend in the vain attempt to conciliate our most dangerous enemy, when news came of its reception in France.

James Monroe, a Virginia Republican, had been appointed minister to the French Republic at the same time that Jay was sent to England. His instructions contained the superfluous injunction to cultivate good relations with France, and expressly warranted him to say that the projected negotiations with Great Britain concerned only the settlement of

¹ Because the lower house of Congress had passed a non-intercourse act with Great Britain, which was defeated only by John Adams's casting vote in the Senate. Jefferson wrote sarcastically of this vote: "The Senate was intended as a check on the will of the Representatives when too hasty. They are not only that, but completely so on the will of the people. . . . I have never known a measure more universally desired by the people than the passage of that bill."

some controversies arising out of the interpretation of the treaty of peace of 1783, and would in no wise impair our alliance of 1778 with France. The negotiation, then, of a new treaty with Great Britain which seemed to make us her accomplice in a predatory war on French commerce, appeared with not a little show of justice to the government at Paris as an unfriendly and even a treacherous act. It greatly embarrassed Monroe, who had given hostages to the French Republic in the shape of extraordinary protestations of sympathy. Whether he sinned more against diplomatic reserve than he was sinned against by Federalist disavowal is a question which his friends and his opponents have not ceased to argue. At any rate, after reading some sharp letters of rebuke from the acrid pen of Secretary Pickering, he was recalled by Washington, and returned to America to contribute his bit to the Republican cause by the publication of an apology for his conduct in a volume of over five hundred pages. Needless to say, Jefferson did not discourage its sale.

While Jay was busy negotiating his treaty an event occurred at home which furnished more grist for the Republican mill. Hamilton's excise tax, ever since its passage in 1791, had been resisted by the distillers of the back counties in the Central and Southern States. The whiskey which they made was not merely a deleterious luxury. It

served as currency in a region where bank paper was scarce and specie almost unknown. To tax it for the support of the capitalist's currency on the seaboard seemed like a hard and unjust discrimination. The farmer distillers of western Pennsylvania broke out into a riot against the tax-collectors in the summer of 1794. It was the first sectional conflict and the first test of the authority of the central government under the new Constitution. President Washington called fifteen thousand militia from Pennsylvania, New Jersey, Maryland, and Virginia, and sent them against the insurgents, who dispersed before a force several times larger than they could hope to resist. A few of the ringleaders were seized and brought to trial. Two were found guilty of treason and condemned to death, but they were pardoned by the President.

The "Whiskey War" was denounced in unmeasured terms by the Republicans as a cruel parade of force to support an "infernal law." Jefferson saw no justification in "arming one part of society against another," and "declaring civil war the moment before the meeting of that body [Congress] which has the sole right to declare war"; in "being so patient of the kicks and scoffs of our enemies [England] and rising at a feather against our friends"; in "adding a million to the public debt" for the sake of crushing out a spirit of independence among our own citizens. The Federalists, on the other

hand, called the prompt action of the government the salvation of the country. They maintained that the rebellion was "the legitimate fruit of the doctrines of the French Revolution," which were spreading in our country and paving the way for anarchy and mob violence. Washington shared this view. On quitting the expedition at Bedford, he told the militia that they were engaged in a service which was "nothing less than to consolidate and preserve the blessings of that Revolution which at such expense of blood and treasure constituted us a free and independent nation." In his speech at the opening of Congress a few weeks later he attributed the disorder to "certain self-created societies," "combinations of men who, disregarding the truth that those who rouse cannot always appease a civil commotion, disseminate suspicions, jealousies, and accusations of the whole Government." "If these self-created societies cannot be discountenanced," he wrote Secretary of State Randolph, "they will destroy the Government of the country."

The Republicans, with Jefferson in the lead, took up the cudgels for the defense of freedom of discussion and criticism. "It is wonderful," wrote Jefferson, commenting on the President's speech to Congress, "that he should have permitted himself to be the organ of such an attack" on these fundamental liberties. The denunciation of the Demo-

cratic societies, he said, was "one of the extraordinary acts of boldness of which we have seen so many from the faction of Monocrats." As a matter of fact the Democrats aimed at "destroying the government" of the country only as the government was identical with the Federalist administration. They wanted to "overthrow the government" in the European sense of the phrase. To the Constitution and the Union they professed an utter devotion, but declared that it was "the duty of every freeman to regard with attention and discuss without fear the conduct of public servants in every department of government"—a doctrine of social as well as political offense to the "ruling classes" of the eighteenth century. The "liberal communication of Republican sentiments," which they advocated as the "best antidote to political poison," generally took the form of bitter attacks on the persons as well as the measures of the Federalist leaders, who were charged openly with "an amazing want of republicanism." Washington's Proclamation of Neutrality, for example, was condemned as an act of "Ottoman tyranny worthy of the grand Sultan of Constantinople." The militia marching under the eye of Hamilton to quell the whiskey riots were "Janissaries executing the orders of the Grand Vizier." All this was provoking and much of it puerile, but the Federalists made the mistake of meeting this Republican criticism with a persecution

which culminated in the arbitrary acts of repression and censorship under John Adams.

The refusal of Washington to serve a third term made the presidential election of 1796 the first national struggle between the two parties. No formal nominations were made. Jefferson, by common consent, was the Republican candidate, with Aaron Burr as the favorite for the second place. The Federalists were not so united. John Adams had every claim to be recognized as the leader of the party after Washington's retirement, but Alexander Hamilton had acquired the habit of dictatorship over the cabinet and a large part of Congress, and he was loath to see a man of Adams's independence in the presidential chair. By the end of the summer, however, it was generally expected that the Federalist electors would cast their votes for John Adams and Thomas Pinckney. The campaign was a violent one, each party accusing the other of doctrines and practices destructive to the republic and of disgraceful vassalage to a foreign power. Washington's serious warning against the "spirit of faction," in his Farewell Address of September 17, 1796, fell on unheeding ears. When the electoral votes were counted in January, Adams had seventy-one, Jefferson sixty-eight, Pinckney fifty-nine, and Burr thirty, while the forty-eight remaining votes were scattered among nine other names. Adams and Jefferson, therefore, were chosen. Jefferson, by a

strange irony, owed his elevation to the vice-presidency to his arch-enemy, Alexander Hamilton.¹

The vice-presidency furnished Jefferson an ideal vantage-ground for the consolidation of his party. Without any official responsibility beyond wielding the gavel in the Senate, he was at the seat of the government, where he could watch the men and study the measures of the administration at first hand, and through his indefatigable correspondence keep his lieutenants in the various States fully informed of the trend of national affairs. At first he seems to have had hopes of "converting" Adams to the Republican party, for he and Adams were much closer together than either was to Hamilton.

The two men called on each other in Philadelphia before the inauguration and discussed the foreign situation. Adams expressed the wish that Jefferson might undertake a special mission to France, "if the people would be willing to spare him for a short time." When Jefferson declined the honor, Adams asked him to sound his friend Madison on the proposition. A few days later Adams and Jefferson were dining with Washington, and left the house together. "As soon as we got into the street," says Jefferson,

¹ Hamilton was suspected by the New England Federalists of a plot to bring in Pinckney just ahead of Adams by getting one or two Federalist electors from the Southern States to leave Adams's name off their ballots. To thwart this trick sixteen New England electors wrote the name of Ellsworth or Jay for the second place on the ticket, thus reducing Pinckney's vote not only far below Adams's but below Jefferson's, too.

"I told him the event of my negotiations with Mr. Madison. He immediately said that on consultation some objections to that nomination had been raised . . . and was going on with excuses which evidently embarrassed him, when we came to Fifth Street, where our roads separated. . . . He never after that said one word to me on the subject or ever consulted me as to any measures of the government." So it was Adams, not Jefferson, who abandoned the idea of "fusion." He had had his first cabinet meeting that morning!

A few days after the inauguration news came that the Federalist minister, C. C. Pinckney, whom Washington had sent to Paris to succeed Monroe, had been denied an audience by the Directory and refused even the permission to remain on the soil of France. Adams, while resenting the insult in a spirited message to Congress, was sincerely anxious to preserve peace with France. He nominated John Marshall, a Virginia Federalist, and Elbridge Gerry, of Massachusetts, a recent convert to Republicanism, to join Pinckney in a commission to Paris to bring the French Directory to reason. The commissioners arrived in Paris in the early winter of 1797, but their treatment was even worse than Pinckney's had been. The wily Talleyrand, minister of foreign affairs, did not deign to receive or recognize them officially, but instead sent obscure agents, who told them that no negotiations could be

begun until an apology was made for the language of President Adams's message to Congress and a substantial sum of money paid to the directors. Marshall and Pinckney quitted France in high indignation, while Gerry was flattered into remaining as a *persona grata* to continue the negotiations. He was really a hostage in Talleyrand's hands. When the news of this fresh indignity reached America early in March, 1798, Adams sent a message to Congress which was virtually a call to arms. Marshall landed the next month, and was received like a Regulus returned from Carthage. He was acclaimed in the streets and fêted at banquets. The toast "Millions for defense, but not one cent for tribute" ran through the States as the slogan of America's defiance.

The Republicans tried to make the best of a poor case. Jefferson called the President's message "insane." The Federalists, he declared, were determined to have a war with France, else why their readiness to take the reported insults of a trio of irresponsible swindlers (Talleyrand's agents) as the act of the French Government. Did not Talleyrand's invitation to Gerry to stay in Paris show that he was desirous of reaching an understanding with the United States? The British were our real enemies. Even at that moment their depredations on our commerce, as the books of the merchants of Boston, Philadelphia, and Baltimore showed, were

far more serious than the Frenchmen's. Jay's "infamous" treaty was the root of all the trouble. And it was a futile sacrifice of honor, too. In the very first year after its promulgation, the Republican press claimed, the British had seized three hundred American ships and impressed one thousand American seamen. But the Republican case broke down completely when Adams ordered Secretary Pickering to send to Congress, and Congress voted to publish the correspondence of the commissioners with the French agents.

The "X Y Z" correspondence¹ kindled the war spirit in America. Congress in a score of acts passed before midsummer of 1798 enlarged the army, built and purchased ships, created a navy department, strengthened the coast defenses, stationed squadrons in the West Indies, authorized our vessels to take French privateers and ships of war, and formally repealed the treaty of alliance of 1778. Washington was made commander of the army with the right to name his staff of major-generals. "On the Fourth of July," wrote Troup to Rufus King, "New York City resembled a camp rather than a commercial port." Loyal addresses poured in on the President. The theatres and concert-halls rang with the new patriotic songs, "Hail, Columbia," and

¹ So called because Pickering substituted these letters for the names of Talleyrand's agents when he sent the correspondence to Congress.

"Adams and Liberty." For one brief hour John Adams was popular.

Then came a series of acts by the Federalist Congress in June and July, which were dictated by a mixture of panic and arrogance, acts not unlike those of the French Jacobins, whom the Federalists held in abhorrence. A Naturalization Act required aliens who had come to America since 1795 to reside here fourteen years before they could become citizens. Alien Acts gave the President the power to remove all "such aliens as he should judge dangerous to the peace and safety of the United States." A Sedition Act imposed the penalty of fine and imprisonment on all who should forcibly oppose the execution of the laws of the United States, or should publish a false or malicious writing against the government of the United States, the President, or Congress. The Naturalization Act, while harsh, was entirely within the constitutional powers of Congress. The Alien Acts, while causing some foreigners to leave the country, were not enforced in a single instance by President Adams. But the Sedition Act led to what John Randolph called "the American Reign of Terror." Men were indicted, fined, and imprisoned for such criticism of the executive as nowadays would be thought tame and comical: for saying that Adams was "hardly in the infancy of political blundering," or for expressing the pious wish, as a New Jersey Republican did,

that the wadding of a cannon fired in honor of John Adams might lodge in the seat of his breeches. The Republican editors and printers were persecuted with an almost ferocious zeal by the courts. A Federalist judge of the supreme court, Samuel Chase, was so savage in the prosecution of the trials that he was later impeached by a Republican House of Representatives.

Jefferson and his followers protested against the Alien and Sedition Acts as a clear violation of the Constitution, which guarantees freedom of speech and press, and which reserves to the States all powers not expressly delegated to the central government. The federal courts, they declared, had a right to take cognizance only of those criminal cases which were mentioned in the Constitution. The Constitution was a compact between the States which federal officials had no right to assume to interpret definitively. These ideas were embodied most clearly in a set of resolutions prepared by Jefferson for introduction into the legislature of North Carolina, but transferred to Kentucky, in December, 1798. The Kentucky Resolutions declared the Alien and Sedition Acts "void and of no force," and called upon the "co-States" to join with Kentucky in protest. When the Northern States replied unfavorably and the Southern States not at all, the Kentucky Legislature adopted a second set of resolutions from Jefferson's pen (Novem-

ber, 1799) declaring that "nullification" by the State "sovereignties" was the "rightful remedy" for federal usurpation. This was the first announcement of the policy which South Carolina put into operation a generation later, and which a generation later still grew into the formidable doctrine of secession.

Jefferson has been not only blamed for encouraging disunion in the Kentucky Resolutions, but also ridiculed for entertaining baseless fears. Either charge is hard to prove in the light of contemporary evidence. Jefferson was far ahead of the public sentiment of the day in his devotion to the Union. He wrote to Elbridge Gerry a month after the resolutions were passed: "I do with a sincere zeal wish an inviolable preservation of our Federal Constitution according to the true sense in which it was adopted by the States." To the sincerity of this vow his voluminous writings bear testimony. He rebuked speculations on disunion, whether they came from friends like Taylor, or enemies like Hamilton and Wolcott. His object in the Kentucky Resolutions was decentralization, not disunion. Indeed, it was just exactly the destruction of the Federal Union through its conversion into a consolidated despotism that he believed he was working to prevent. He considered the Alien and Sedition Acts "merely an experiment on the American mind to see how far it will bear an avowed vio-

lation of the Constitution," and thought that if they were swallowed by the people other acts would follow, such as a life term for President and senators, or "the transfer of the succession to the President's heirs."

"That Jefferson ever wrote such folly," says McMaster, "is of itself enough to deprive him of every possible claim to statesmanship." But we have abundant testimony that Hamilton was looking for "the crisis," even if it came by arms, which should convert the "frail and worthless fabric of our Constitution" into something nearer the admired English model. He and King and Gouverneur Morris and other Federalists corresponded quite frankly on the prospects of establishing an American empire on "foundations much firmer than have yet been devised." Morris confessed a few years after Hamilton's death that "Hamilton disliked the Constitution, believing all Republican governments radically defective." He had assented to the Constitution because he thought it "might hold us together for a time; but he trusted that in the changes and chances of time we should be involved in some war" [the "crisis"] "which might strengthen our Union and nerve the executive." Jefferson may have let his fears get the better of his judgment, just as his Federalist opponents did when, like Uriah Tracy, they spoke of the Democrats as "worthy of the gallows," or, like Fisher Ames, that such a government as Jefferson preferred "would soon ensure war with

Great Britain, a Cisalpine Alliance with France, plunder and anarchy." But to call Jefferson's fears groundless or the expression of them "folly" is rather to estimate the security of the Union of 1798 by the results of the struggle of 1861-5.

Passions ran high in those closing years of the eighteenth century, when the moderating effect of Washington's presence was removed. "Men who had been lifelong friends," wrote Jefferson, "crossed the street to avoid saluting each other." We were actually at war with France on the ocean, yet the French faction in America were loudly insisting that the enemy was England. There was little in fact to choose between the two countries in the matter of depredations on our commerce. Fortunately for our peace, offers of conciliation came from France. Talleyrand wanted only to embroil us with Great Britain. When he saw the effect of the X Y Z letters on America he changed his tactics. With characteristic effrontery he denied all connection with his insulting agents and assured our envoy at The Hague that a minister from the United States would be received in Paris "with the respect due to a free, independent, and powerful nation." President Adams, to the disgust of the Hamiltonians, who were bent on war,¹ and to his own eternal credit,

¹ It is hard to absolve Hamilton from the charge of deliberately fomenting the war spirit in order that he, as ranking major-general and commander in the field, might have an army to use in his cherished plan of co-operation with the Venezuelan adventurer, Miranda,

again sent a commission to Paris, in October, 1799. Before they arrived, however, Napoleon Bonaparte had overthrown the corrupt directory by the *coup d'état* of Brumaire, and made himself master of France under the title of First Consul. Bonaparte posed as a republican and a reconciler. He sought peace to prepare for conquest. He was a man of armies and diplomacy, a continental man. Sea power or the economics of trade he never understood. He boasted that he would "make commerce manœuvre like battalions." America was remote and negligible as yet. Napoleon offered to release us from the treaty of alliance of 1778 if we would waive our claims on France for unlawful seizures of our vessels. The formal convention restoring peace between the United States and France was signed September 30, 1800.

Our country was already in the midst of another violent presidential campaign in which Adams and

in freeing the Spanish colonies and bringing them under Anglo-American influence to balance the power of France. Hamilton wrote to Miranda in August, 1798, the very month that Talleyrand was offering peace to our minister in Holland: "The plan in my opinion ought to be a fleet of Great Britain and an army of the United States, and a government for the liberated territory *agreeable to both the coöperators, about which there will be no difficulty*. To arrange the plan a competent authority from Great Britain to some person here is the best expedient. Your presence here in that case will be extremely essential. We are raising an army of about 12,000 men. General Washington has resumed his station at the head of the armies. I am second in command.

"With esteem and regard,

"Alexander Hamilton."

Jefferson were again the candidates, with C. C. Pinckney and Aaron Burr for second place. The Federalists were torn with faction. The persecutions under the Sedition Act had neutralized the brief popularity of the administration after the X Y Z disclosures. Adams's courageous peace with France had brought down anathemas on his head. Hamilton, with his chances of military glory gone glimmering and his friends removed from the cabinet, wrote a bitter invective against John Adams to prove his unsuitableness for the chief magistracy—and then urged the Federalists to vote for him. War taxes for a war that was never declared and that was unrecognized by half the country increased the dissatisfaction with the administration. The physician for the country's ills was already at hand, said Jefferson, in the person of the tax-collector. The Federalists hung together in a discordant unity to prevent the calamity of a Republican triumph; but they were powerless to check the rising tide. Every local election in New England and the Middle States showed an increase in the vote, and the increase was largely in favor of the Republicans. Jefferson was tireless in his propaganda and unwearied in his patience. He noted the gain of a Republican congressman here and the State assemblyman there; he cheered Madison with the report of "a considerable change working in the minds of the people to the eastward" [New England], and congratulated

Burr on the visible "dawn of change" in his State of New York. He had full confidence that Republicanism was growing like a sound tissue to possess the whole body politic. Patience and labor! till "time has been given to the States to recover from the temporary frenzy into which they have been decoyed, to rally round the Constitution and rescue it from the destruction with which it has been threatened." Jefferson hoped even to convert the Federalists, while they expected only to defeat and awe the "Jacobins." It was a battle between entrenched privilege and insurgent democracy—between the expiring eighteenth century and the dawning nineteenth.

The battle was close and fiercely fought. Jefferson, as leader of the "opposition," was subjected to extravagant abuse. He was accused of having robbed a widow and her children of an estate of ten thousand pounds; of preaching class hatred and "Jacobinical phrensy"; of slandering George Washington and ridiculing the Christian religion. The direst predictions were made in the event of his election. Government would be at an end and civic virtue a thing of the past. One panic-stricken Federalist declared that every decent man would have to go abroad armed "to defend his property, his wife, and children . . . from the daggers of his Jacobin neighbors." Old ladies in Connecticut hid their family Bibles, believing that the first act

of the "atheistic" President would be a decree confiscating all copies of the Sacred Book. Following his custom, Jefferson ignored these attacks. While he was contradicting one campaign lie, he said, they would publish twenty new ones.

With his usual political sagacity, Jefferson declared that as New York City went the election would go. And so it was. Aaron Burr arranged an attractive slate of the city candidates for the State legislature in the spring election of 1800. They carried the city and insured a Republican majority in the legislature which was to choose the presidential electors in November. As a last resort to save a few of New York's votes for the Federalist ticket, Hamilton wrote a letter to Governor Jay, advising him to reconvene the old legislature and put through a law for the choice of presidential electors by districts. He confessed that it was not a "regular or delicate proceeding," but urged that "scruples of delicacy and propriety ought to be laid aside" when it was a question of preventing the election to the presidency of "an atheist in religion and a fanatic in politics." Governor Jay filed the letter with the indorsement: "Proposing measures for party purposes which I think it would not become me to adopt."

When the electoral votes were counted in January, Jefferson and Burr had seventy-three apiece, to sixty-five for Adams and sixty-four for Pinckney.

Not a single Republican elector had been thoughtful enough to vote another name than Burr's for second choice, so Jefferson and Burr were technically tied for the presidency, and the decision was thrown into the House of Representatives. Burr knew that every elector had intended to vote for him for Vice-President, and, had he been an honorable man, he would have given first place to Jefferson immediately. But Burr was not an honorable man. He allowed himself to be put forward by a caucus of the Federalists in the House against the man of his own party who was obviously the choice of the nation.

When the balloting began in the House on February 11, 1801, Vermont and Maryland were equally divided, and lost their vote. Of the other fourteen States six voted for Burr (New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, and South Carolina), and the remaining eight for Jefferson. Nine States were the majority necessary for an election. Day after day the balloting was repeated with the same result. There were rumors that the Federalists would continue the deadlock till the 4th of March, and then devolve the presidency on John Marshall, who had just been appointed by John Adams as chief justice of the supreme court. The two great States of Pennsylvania and Virginia, with their Republican governors, McKean and Monroe, were ready to appeal to arms rather than see Jefferson cheated out of the presi-

dency. Hamilton, too, used his influence in behalf of Jefferson, not that he loved Jefferson more, but that he loved Burr less. At last the Federalists in the House gave up the hopeless policy of obstruction. On the thirty-sixth ballot the Federalist members of all the States except New England cast blanks, and Jefferson was elected by a vote of ten States to four.¹

Ousted from the presidency and their majority gone in Congress, the Federalists attempted to keep control of the third branch of the government by a reorganization of the judiciary in the last days of Adams's term. A law was passed creating sixteen new federal judgeships, with a number of marshals, attorneys, and clerks. Adams was busy until nine o'clock on the evening of March 3, signing the new commissions. Before sunrise on the morning of the 4th he drove away from the White House, and the reign of Federalism was ended.²

¹ The vote of Maryland was still divided, and Delaware had only one representative in Congress, the Federalist Bayard, whose vote could at any moment have elected Jefferson. Jefferson, without making any "capitulation" to the Federalists, seems to have let it be understood among them that he would not disturb the main institutions of the government if elected (bank, tariff, army and navy). He had no hard feeling toward Burr, who, to his credit be it said, did not attempt to influence the members of the House in their choice. The direst effects of the choice of "a feeble and false enthusiast, a profligate without character or property (!)" for President were predicted by the unreconciled Federalists of New England.

² Two persistent fables have clung to the last days of Adams's presidency. One to the effect that Levi Lincoln, Jefferson's designated attorney-general, appeared with watch in hand, in the office

We have tarried so long over the great battle of 1800 because it is the central fact of Thomas Jefferson's career. From his entrance into the cabinet in March, 1790, to his entrance into the White House eleven years later, he waged an uninterrupted campaign against what he believed to be a deliberate plot to subvert the Constitution and nullify the Declaration of Independence. For him the victory of 1800 was the vindication of the principles of 1776. He was not overscrupulous in his methods, though he never descended to such trickery as Hamilton's advice to Governor Jay. He gave secret encouragement, if not open support, to such writers as Freneau, Bache, Duane, and Callender, whose slanderous articles on the Federalist leaders tried their patience to the utmost. His compilation of the *Anas*, with their gossipy depreciation of the deeds and motives of his political adversaries, was unchivalrous. His correspondence too often shows

of the State Department at midnight of March 3, to order John Marshall to discontinue signing the commissions of the new judges—the "midnight judges of the Duke of Braintree" [Adams], as the Republicans called them. But Jefferson used the term "midnight" in connection with these new officers, just as we use the phrase "the eleventh hour," to mean late. In a letter of March 24 he speaks of "Adams's midnight appointments, *to wit*, *all after December 12*" (the day on which the defeat of the Federalists was certainly known). The other story is that Adams left the White House before dawn of the day Jefferson entered, in order to avoid the humiliation of meeting his successor. But the reason for Adams's hasty departure was the sudden death of his son Charles at New York. He entertained no ill feeling toward Jefferson, and wrote to him a few days after the inauguration, "heartily wishing" him a "quiet and prosperous administration."

a trace of that satisfaction which men who are of a retiring disposition take in the unburdening of their grievances to their intimate friends. But for all these faults of disposition or judgment, there was nothing mean or base in Thomas Jefferson. He was an idealist through and through. His whole being was devoted to his cause. And it is not the least testimony to his labors for democracy that since the Republican triumph which ushered in the nineteenth century every political party that has gained or sought the direction of our government has made its appeal to the *people* of America.

CHAPTER VIII

JEFFERSON THE EXPANSIONIST

A just and solid republican government maintained here will be a standing monument and example for the aim and imitation of the people of other countries; and I join with you in the hope and belief that they will see from our example that a free government is of all others the most majestic. (Jefferson to John Dickinson, March 6, 1801.)

THOMAS JEFFERSON was approaching his fifty-eighth birthday when he entered the White House. The vigor of his tall spare frame was somewhat disguised by a studied negligence of dress and carelessness of posture; and the incessant activity of his forceful, orderly mind was concealed beneath an ostentatious indifference to social conventions. He was anxious that the triumphant democracy of which he was the oracle should avoid all appearance of conformity to the Old World traditions of pomp and ceremony. He held no stiff levees like Washington's, but was easily accessible to callers. In place of the formal "speech from the throne" to the Houses of Congress, with their formal reply delivered by a delegation, he substituted a written message to be read by the clerk of the House. He answered a petition from the merchants of New Haven with his own pen. He received the British minister, Anthony Merry,

in a dressing-gown with slippers run down at the heels, to the great chagrin of that gentleman in correct diplomatic *tenue*. To the minister's secretary he made an appearance very much like that of "a tall, large-boned farmer"—a characterization which probably would have pleased Jefferson rather than nettled him.

Yet there was nothing coarse or boorish about the "Jeffersonian simplicity," nothing like those revellings of King Mob amid unlimited orange punch which Webster and Story describe with a kind of tolerant disgust in their accounts of the inauguration of Andrew Jackson a generation later. Jefferson was a man of rare accomplishments and fine tastes, a scholar, a diplomat, a musician. He was the very soul of hospitality, keeping in the White House as at Monticello an open table at which his guests were cheered by good fare and charmed by brilliant discourse. His wine bills for the first year of the presidency were two thousand seven hundred and ninety-seven dollars and thirty-eight cents. His pride in a fine stable did credit to the traditions of the Virginia aristocracy. "His interests," says Henry Adams, "were those of a liberal European nobleman like the Duc de Liancourt," a welcome visitor at Monticello. "He seemed," says Adams again, "during his entire life to breathe with perfect satisfaction nowhere except in the liberal literary and scientific air of the Paris of 1789." The

demagogues of the Paris of 1792, the Marats and Desmoulins and Héberts with whom his Federalist opponents compared him, would have filled him with disgust. For he had none of the arts of the popular orator and shrank from the rude blows of public controversy with a sensitiveness which some of his biographers have called timidity.

Jefferson regarded the victory of 1800 not as a personal triumph or a mere change of administration only. It was a political revolution, furnishing the first opportunity for true Republicans to administer a government professedly republican, but perverted by Hamilton and the Essex men¹ into a semblance of monarchy. The country had found itself in the election of 1800. To use a simile which Jefferson never tired of, the ship of state had righted itself to an even keel. Ten years of vigilant labor and patient persuasion had organized the good sense of the masses into a compact party, and now delivered into the hands of that party those branches of the national government (executive and legislative) which were in the people's gift. Jefferson's inaugural address was a hymn of reconciliation. Harmony was restored except for the few malcontents in New

¹ The "Essex Junto" was a name applied to a group of ultra-Federalists (Ames, Cabot, Pickering, Parsons, Higginson) whose activities lay chiefly in Essex County, Massachusetts. Though their faithful followers numbered no more than five hundred, according to Ames's confession, their wealth, social eminence, and alliance with the Congregational clergy gave them a great influence in the politics of Massachusetts and New England.

England who were destined to dwindle into a little factious group of leaders without a following. "We have called by different names bretheren of the same principles," cried Jefferson. "We are all republicans; we are all federalists!" He spoke of the republic as "in the full tide of a successful experiment" under a government "which has so far kept us free and firm." He urged that we "pursue with courage and confidence our principles," and pledged himself to the "preservation of the general Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad." Not a word of the bitter battle of 1800 or the ten years opposition to the "vigor" of the general government under the Federalists! Not a hint that the authors of the Virginia and Kentucky Resolutions had come to sit in the seats vacated by Timothy Pickering and John Adams! What did these "amiable professions of harmony" mean when the whole hated structure of the Hamiltonian finances, with debt, bank, funds, excise, stood intact; when the Naturalization Act and the Enemies Alien Act still disgraced the statute-books; when the newly appointed Federalist judges were stretching out their hands for their "midnight" commissions; when the tax-gatherer was trying to meet the unprecedented budget of over eleven million dollars caused by the "needless quarrel" with France over the X Y Z "frenzy"?

If we turn to Jefferson's private correspondence during the few months after he entered the presidential office, we find in it little that matches the roseate view of reconciliation and harmony expressed in the inaugural address. He wrote to Monroe three days after the inauguration that he would never turn an inch out of his way to placate the Federalist leaders; and to General Gates a day later that he hoped to make up an administration which should "bid defiance to the plans of opposition meditated" by them. He would rebuke "Mr. Adams' indecent conduct in crowding nominations after he knew they were not for himself," by treating such nominations "as nullities." To his attorney-general, Levi Lincoln, he wrote in midsummer deploring the "inflexibility of the federalist spirit" in Connecticut, and asked for a list of "Essex men" in office in New England with a view to their removal. Commenting on his first annual message of December, 1801, in a letter to Dupont de Nemours, he excused himself for not having attacked the financial system inherited from Alexander Hamilton. "It mortifies me," he wrote, "to be strengthening principles which I deem radically vicious, but this vice is entailed on us by the first error. In other parts of our government I hope we shall be able *by degrees* to introduce sound principles and make them habitual." The leaders of the Federalists he considered incorrigible, but their

followers might be won. As Henry Adams neatly says: "Jefferson intended to entice the flock with one hand and belabor the shepherds with the other."

When Jefferson's first Congress adjourned on May 3, 1802, though there was a Republican majority in both Houses, the sum total of its onslaught on the Federalist measures against which the Republicans had protested for a decade was the repeal of the Judiciary Act, the Naturalization Act, and the internal taxes. Economies were introduced in army and navy by Jefferson's able secretary of the treasury, Albert Gallatin, a budget system calling for specific appropriations was introduced, and provision was made for setting aside enough of the annual income as a sinking fund to extinguish the debt by the year 1817. But no steps were taken to modify the structure of government or to guard against those centralizing tendencies which the Republicans professed to detest. The Alien and Sedition Acts expired by limitation in 1801, but the Enemies Alien Act remained, and still remains, on our statute-books. The central doctrine of Jefferson's political creed was that the "general Government" must not be the final judge of its own powers. Such a government he had lately called a "despotism." Yet his Republican Congress took no steps toward initiating an amendment to the Constitution by which the justices of the supreme court should have a limited or elective term or

should be removable on petition by Congress. Jefferson spoke bitterly of the Federalists "retiring into the Judiciary as a stronghold" from which they might batter down all the works of republicanism; yet he left the stronghold unattacked. Where was the spirit of the Kentucky Resolutions!

Uncompromising Republicans of the South, like John Randolph, John Taylor, Macon, and Giles, attributed Jefferson's acquiescence in the *status quo* to the influence of Secretary Madison's still unreformed Federalism, while the Federalists rejoiced at the signs of approaching disaffection in the Republican ranks. It is hard to know just what the motives for Jefferson's "inconsistency" were, for the story that he promised the Federalists of the House not to interfere with the financial institutions of their party, in order to secure his election over Burr, he categorically denied. The most charitable view of the matter is that Jefferson was so convinced of the change of heart of all but a negligible remnant of Federalists that he thought the Constitution was in no further danger of being "perverted into monarchy." After all, it was not the instrument that mattered so much as the character of the men in whose hands the instrument was. The least charitable view of Jefferson's behavior is that it was of a piece with the "ineradicable duplicity" of mind which made him say one thing to the public to establish his popularity, and work another course

in private to preserve his domination. At any rate, the majority of Jefferson's biographers have adopted the shrewd and pitiless judgment of his quondam colleague, Hamilton, written to persuade Bayard to cast the vote of Delaware for Jefferson instead of Burr: "Nor is it true that Jefferson is zealot enough to do anything in pursuance of his principles which will contravene his popularity or his interest . . . and the probable result of such a temper is the preservation of systems, though originally opposed, which, once being established, could not be overturned without danger to the person who did it. To my mind, a true estimate of Mr. Jefferson's character warrants the expectation of a temporizing rather than a violent system."

But apart from nice calculations of political philosophy or personal popularity, practical questions arose early in Jefferson's administration which made it imperative for him to preserve the "general Government in its whole constitutional vigor." We have seen in a former chapter what efforts Jefferson made, while minister at Paris, to curb the pirates of the Barbary Coast. He failed to enlist the support of the maritime Powers of Europe, and, worse than that, our own government consented to pay ransom money and tribute all through the administrations of Washington and Adams. Early in Jefferson's term the crisis came in the Mediterranean. The Dey of Algiers compelled Captain Bainbridge,

who had just brought him tribute money from America, to raise the Algerian standard to the mast-head of the American ship and go on an errand for him to the Sultan of Constantinople. A few months after this humiliating event, the Bashaw of Tripoli demanded an increase of the meagre tribute of eighty-three thousand dollars, which he was receiving from America, and on being refused, declared war on the United States, *more barbarico*, by chopping down the flagpole in front of the American consulate.

Jefferson and Gallatin both deplored the necessity of war: the former because it disturbed his dream of a new and peaceful empire on this side of the Atlantic, the latter because it interfered with his programme of economics for the reduction of the national debt. But theoretical and practical objections both had to yield to the exigencies of the situation. Instead of laying up our few war-ships in the eastern branch of the Potomac, where they could be taken care of by "a single set of plunderers," and roofing them over to protect them from the sun and rain, Jefferson had to despatch several expeditions under Dale, Morris, Preble, and Rodgers, to the Mediterranean. The work of chastising the Barbary pirates lasted through the four years of his first administration, but when it was done the Mediterranean was as safe for commerce as the English Channel. The brilliant exploits of Decatur,

Preble, and Somers aroused the admiration of Europe and wrote a second chapter in the history of our navy, not less glorious than the one opened by John Manley and John Paul Jones. But they did not convert Jefferson and his secretary to a strong naval policy. The President advocated instead of war frigates a number of small gunboats for coast defense, which could be drawn up on land like a fisherman's dory, while the Treasury Department emphasized the temporary nature of the increased tariff duties necessitated by the war by setting them apart as a special "Mediterranean fund." Jefferson's amphibious navy caused much contemptuous merriment to his opponents, and his policy of "unpreparedness" has been held directly responsible by most of our historians for the humiliations of his second term, which culminated in the War of 1812 with Great Britain.

Determined as Jefferson was, however, to keep us free from imperialistic ambitions abroad, he was an ardent apostle of a greater America at home. For almost a score of years before he became President we can trace in his writings these twin ideas of a sundered America and a vast America. He was an advocate of the principle which found its classic expression near the close of his long life in the Monroe Doctrine. Even before Washington had foreshadowed that doctrine in his Farewell Address of 1796, we find Jefferson writing from Paris (1787)

recommending peaceful commercial relations with European Powers, without "entangling alliances." This was the text of his policy as secretary of state in Washington's first administration. So, too, in the Paris days, we find him encouraging the American traveller, Ledyard, to cross Siberia and return to his New England home by way of the great unexplored West of our continent. In the same year that Captain Grey entered the Columbia River (1792), Jefferson urged the American Philosophical Society to raise funds by subscription for the exploration of the trans-Mississippi country (which belonged to Spain). The English settlements on the Atlantic coast were the "nest" from which the whole American continent was to be populated. He already saw in imagination a people of one hundred millions here—the United States of the early twentieth century.

Soon after Jefferson's election to the presidency the opportunity came for him to render the greatest service of his administration and one of the greatest services of the nineteenth century to the American people. The reader will recall how the Citizen Consul Bonaparte, fresh from his triumph over the Austrians at Marengo, signed the convention restoring peace between the French Republic and the United States, September 30, 1800. The very next day he concluded the treaty of San Ildefonso with Spain, by which he gained the retrocession of the vast ter-

ritory of Louisiana, which Louis XV had handed over to his ally, Spain, at the close of the long struggle between France and England for the possession of the St. Lawrence and Mississippi valleys (1762). "The treaty of October 1," says Henry Adams, "undid the treaty of September 30." As soon as it was known in Washington that Napoleon had acquired Louisiana, Jefferson began to take alarm. "Spain is ceding Louisiana to France," he wrote to Rufus King in London, May 14, 1801, "an inauspicious circumstance for us." And to Monroe, a few days later, he wrote: "There is considerable reason to apprehend that Spain cedes Louisiana and the Floridas to France. It is a policy very unwise in both, and very ominous to us." Napoleon's cherished plan of rebuilding a French colonial empire in America developed apace in the brief interval of peace which the years 1801 and 1802 brought to France. He sent his brother-in-law, General Leclerc, with ten thousand troops to reduce the island of Santo Domingo as a preliminary to occupying New Orleans. His plan was to oust the Americans from their lucrative trade with the Antilles, and joining the islands of the Caribbean Sea with the shores of the Gulf of Mexico and the Mississippi Valley, to restore the colonial empire which France had lost a generation before.

Leclerc and twice ten thousand men were destined to succumb to the desperate resistance of the negro

chieftain, Toussaint Louverture, and to the deadly ravages of the yellow fever in Santo Domingo, before a year had passed. But Jefferson could not foresee how fate would work to frustrate Napoleon's ambitions. In great alarm he wrote, on April 18, 1802, to Robert R. Livingston, our minister in Paris, that the cession of Louisiana to France completely reversed all the political relations of the United States, and "would form a new epoch in our political course." "There is on the globe," he said, "one single spot the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market. France, placing herself in that door assumes to us the attitude of defiance. Spain might have retained it quietly for years. Her pacific dispositions, her feeble state, would induce her to increase our facilities there so that her possession of the place would be hardly felt by us, and it would not perhaps be very long before some circumstance might arise which might make the cession of it to us the price of something of more worth to her. Not so can it ever be in the hands of France. The impetuosity of her temper, the energy and restlessness of her character . . . make it impossible that France and the United States can continue long friends when they meet in so irritable a position. The day France takes possession of New Orleans fixes the sentence which is to restrain her forever

within her low-water mark. It seals the union of two nations which in conjunction can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation." This from Thomas Jefferson, the lifelong friend of France and the denouncer of the "execrable" Jay Treaty with England!

In October, 1802, the Spanish authorities at New Orleans (whether at the instigation or for the embarrassment of Napoleon, who had not yet taken possession of Louisiana) closed the mouth of the Mississippi to American vessels by suspending the right of deposit at New Orleans which had been granted by the Pinckney Treaty of 1795. The decree was received with consternation by "the prestigious and restless population" of our West, who sent their produce down the great river. "The Mississippi is everything to them," wrote Madison to our minister in Spain; "it is the Hudson, the Delaware, the Potomac, and all the navigable rivers of the Atlantic States, formed into one." During the year 1802 the farmers of Kentucky and the Mississippi Territory alone had sent one million six hundred thousand dollars' worth of produce through that channel. The reports of the Spanish custom-house showed transshipments of over a thousand hogsheads of tobacco and a hundred thousand barrels of flour, with great quantities of bacon, pork, lead, cordage, and apples. Of the two hundred and

sixty-five vessels that sailed from the Mississippi the same year, one hundred and fifty-eight were American, as compared with one hundred and four Spanish and only three French. The Americans were rapidly gaining a monopoly of the trade of New Orleans. Petitions began to pour into Congress from the Western settlements for the defense of their commerce. They were anxious to have the United States troops at Natchez march on New Orleans forthwith.

Never before was Jefferson confronted with so difficult and delicate a situation, and never, before or after, did he display to better advantage his resources of patient and tactful diplomacy. He calmed Congress by a confident message which contained no mention of the suspended right of deposit, but dwelt on the return of peace in Europe and the growing prosperity of our country. He only mentioned the cession of Louisiana to France as a transaction which, *if carried into effect*, would make a change in the aspect of our foreign relations. He encouraged the exasperated people of the West to trust to the protection of the party which had consistently supported their interests rather than fly to the new and simulated friendship of the Federalists. He secured the appointment of James Monroe as a special envoy to France to co-operate with our minister, Robert R. Livingston, and the appropriation of two million dollars "to enable the Executive

to commence with more effect a negotiation with the French and Spanish governments relative to the purchase from them of the Island of New Orleans and the provinces of East and West Florida."

In spite of his easy tone to Congress, however, Jefferson realized to the full the seriousness of the situation. "It is a crisis," he wrote to his old friend, Dupont de Nemours, "the most important the United States have met since their independence and which is to decide their future character and career"; and to Livingston, in France, he wrote: "The future destinies of our country hang on the event of this negotiation." Livingston's instructions in the note of April 18, 1802, had declared that the cession of New Orleans and the Floridas to us by France "would certainly in a great degree remove the causes of jarring and irritation between us," if France were determined to keep Louisiana. But there is proof that Jefferson would have been content for the moment to consider the restoration of the right of deposit and the free navigation of the river as a basis for further peaceful negotiation. Monroe's instructions were left vague enough to admit of almost any deal with Napoleon and Talleyrand. They consisted of hardly more than exaggerated expressions of confidence in Monroe's discretion.

It was not, however, the faithful labors of Livingston or even the far-seeing ambitions of Jefferson

that were the primary cause of our acquisition of that splendid domain which stretches from the Mississippi to the Rockies and from Canada to the Gulf. Livingston's offers had been coldly received by Talleyrand, and he wrote home to Madison just as Monroe was starting for Paris: "With respect to the negotiations for Louisiana, I think nothing will be effected here." Jefferson himself confessed in a letter to John Bacon (written curiously enough on the very day the treaty of cession was dated in Paris, April 30, 1803) that he was "not sanguine in obtaining a cession of New Orleans for money," but was "confident in the policy of putting off the day of contention for it" till we should be "stronger in ourselves and stronger in allies"; especially till we should have "planted such a population on the Mississippi" as would be able to defend their rights. He did not expect Napoleon to yield, but his hope was to "palliate and endure" until war between France and England, with our threat to join the latter, gave him the chance to bring to bear on the First Consul the only kind of argument which he heeded.

But Napoleon did not wait. He never let the initiative in an inevitable act come from another. The ill-kept peace of Amiens was wearing thin. England refused to abandon Malta in the Mediterranean, and Napoleon continued his aggressions on the Republics along the French borders. Each

made the other's acts a cause of war, and both began preparations for war. On the very day after Livingston wrote home his pessimistic prospects for the purchase of any of Louisiana, Napoleon practically declared war on England by publicly insulting Lord Whitworth at an audience of ambassadors at the Tuileries: "You are determined to make war against us. You drive me to it. I shall be the last to sheathe the sword." Devoted as Napoleon was to his colonial scheme, not even his colossal brain could manage the affairs of both hemispheres. He had to choose between Europe and America, between the Continent and the colonies—and he chose as every French ruler had chosen since the days of Richelieu. Santo Domingo had cost him twenty-four thousand men. Spain, secretly encouraged by England, had persistently refused to include the gulf shores of the Floridas in the cession of San Ildefonso. Pichon, the French agent at Washington, was writing home alarming reports of the "redoubled civilities" of President Jefferson for the British chargé. England's renewal of the war meant a rebuilding of the European coalition. With characteristic abruptness, Napoleon ordered his finance minister, Barbé-Marbois, to offer the whole province of Louisiana to Livingston for fifty million francs (April 11, 1803). Talleyrand, to whom Napoleon had also disclosed his plan, had already surprised Livingston by asking him how much the

United States would give for the whole of Louisiana.

Livingston and Monroe (who arrived in Paris the day after Talleyrand's proposal) had authority to negotiate for New Orleans and the Floridas only, and had but two million dollars, or one-fifth the price Napoleon asked, to spend. Marbois at first put the price of Louisiana at one hundred million francs, instead of the fifty million which Napoleon had suggested; but finally came down to sixty million clear, with the proviso that the American Government would assume liability for the claims of its citizens for damages done their shipping. These claims amounted to some twenty million francs. The responsibility put on the envoys was great. Fifteen million dollars was a sum considerably in excess of the total annual revenue of the United States, and the French title to Louisiana was not unimpeachable.¹ Yet Livingston and Monroe did not hesitate to accept the bargain. On May 2, 1803, they signed the treaty transferring the province to the United States. Well might Livingston

¹ (1) Napoleon had not taken possession of Louisiana when he sold it to us. (2) He had never fulfilled his part of the bargain with Spain, which was an Italian throne for the King's nephew. (3) He had promised Spain never to transfer Louisiana to a foreign Power. (4) He was forbidden by the French Constitution to alienate any of the territory of the Republic. "In taking Louisiana," says Professor Edward Channing, "we were the accomplices of the greatest highwayman of modern history, and the goods which we received were those which he compelled his unwilling victims to disgorge."

exclaim as he rose and shook hands with Monroe and Marbois: "We have lived long, but this is the noblest work of our whole lives. . . . From this day the United States take their place among the powers of the first rank. The instruments which we have just signed . . . prepare ages of happiness for innumerable generations of human creatures." The price paid for that princely domain out of which fourteen States of the Union have been carved was fifteen million dollars. A little over a century later the value of the farm property alone in those States was sixteen billion dollars, or more than a thousand times the price of the purchase.

It was a very embarrassed rejoicing with which Jefferson received the report of the purchase of the whole of Louisiana. This advocate of strict economy had spent on his own executive authority an amount equal to almost three-fourths of the debt which Hamilton had assumed for the States, with the sanction of Congress. This champion of the letter of the Constitution had exercised the power of acquiring foreign territory and promising foreigners admission to the citizenship of the United States for which no clause could be found among the "enumerated powers." This opponent of the extension of the "general Government" had stretched its power far beyond any point the Federalists had reached, and laid the foundation, in the creation of an immense national territory in the West, for that

definitive triumph of the nation over the States which his "countrymen" of the second generation fought so desperately to avert.

Jefferson was quick to recognize the irregularity of his act and cry, "*Peccavi!*" He had no apology to make for the nature of the bargain, and looked to "this duplication of area for extending a government so free and economical as ours" as a great achievement, which he was sure the nation would not disavow. But he confessed that "the Executive, in seizing this fugitive occasion which so much advances the good of their country, have done an act beyond the Constitution." He compared his deed to that of a guardian who invests his ward's money in a valuable piece of property and trusts that the benefits to accrue will redeem the unauthorized risk. He expected Congress "in casting behind them metaphysical subtleties and risking themselves like faithful servants," to ratify the act and pay for Louisiana, and then "throw themselves on the country for doing for them unauthorized what we know they would have done for themselves had they been in a situation to do it." "Paternalism" in government, which Jefferson had always abhorred, could hardly be more boldly stated!

Jefferson drew up an amendment to the Constitution to regularize the purchase of Louisiana, *ex post facto*. But when letters came from Livingston at

Paris warning him that there must be no delay in the ratification of the treaty and the appropriation of the funds, lest Napoleon should change his mind, Jefferson changed his tone. He wrote to some friends to whom he had expressed his desire for a constitutional amendment that the less said about the "constitutional difficulties" respecting Louisiana the better, and that whatever was "necessary for surmounting them must be done *sub silentio*." Accordingly, when Congress met by special call in October nothing was said of the irregularity of the purchase. The Senate promptly ratified the treaty by a vote of twenty-four to seven, and the House two days later voted by ninety to twenty-five the necessary funds, by the authorization of eleven million two hundred and fifty thousand dollars of six-per-cent stock. The little group of Federalists made a desperate resistance. They attacked the treaty as unconstitutional on the ground that Congress alone could "regulate trade" and "admit new States to this Union." They asked whether the payment of so large a sum of the public money to a belligerent nation were not virtually a breach of neutrality. They doubted the validity of Napoleon's title to Louisiana, and declared that we had simply bought of France at an exorbitant price "the authority to make war on Spain." But their opposition was vain. They could muster only a handful of votes. The Louisiana Treaty was as popular as the Jay

Treaty had been unpopular. Public opinion carried the administration to a splendid victory, and "the theory of strict construction was abandoned in the house of its friends."

If the Constitution was strained by the treaty acquiring the province of Louisiana, the Declaration of Independence was outraged in the provisions made for its government. Thomas Jefferson, the author of the document which declares that governments "derive their just powers from the consent of the governed," was, by an act of March, 1804, given an authority over the Territory of Orleans which resembled that of an imperial Roman governor rather than a constitutional Republican magistrate. He simply replaced King Charles of Spain as ruler of the province. He was to appoint the governor of the Territory, the council to make its laws, the superior judges in its courts—in short, the whole governmental machinery, executive, legislative, judicial. The thirty thousand inhabitants of Louisiana, who by the third article of the treaty had been promised that they should be "incorporated into the Union of the United States and admitted as soon as possible . . . into all the rights, advantages, and immunities of citizens of the United States," were relegated to a state of colonial dependence as absolute as that of our Filipinos in 1901. They protested in a memorial drawn up by Edward Livingston, the younger brother of the

minister who had negotiated the purchase, begging to know whether political principles which were valid on the Atlantic coast lost their force when transferred to the banks of the Mississippi, and citing the Jeffersonian doctrines of 1775 as a rebuke to the Jeffersonian policies of 1804. "Taxation without representation, an obligation to obey laws without any voice in their foundation, the undue influence of the executive upon legislative proceedings, and a dependent judiciary, formed, we believe, very prominent articles in the list of grievances complained of by the United States at the commencement of their glorious contest for freedom. Were the patriots who composed your councils mistaken in their political principles?" The act of 1804 was somewhat modified in response to this strong and able remonstrance; but still the President was left with unprecedented powers over the new domain.

Louisiana was handed over to the French by the Spanish governor on November 30, 1803, and twenty days later was transferred from France to the United States. Just what its boundaries were was uncertain then and has continued to be a subject of lively controversy among historians ever since. Did it include Texas on the west, or any part of the Floridas on the east? A map in the French foreign office (drawn by Marbois?) includes both these regions in the Louisiana which France secured from Spain in the treaty of 1800, and General Victor's instructions

to take possession of the province distinctly state the Rio Bravo (Rio Grande) as the western boundary. Jefferson, Madison, and Monroe, who were all intimately concerned in the purchase negotiations, believed that Texas was included. But we had no trans-Mississippi settlements as yet, and the claim on Texas was abandoned in the Spanish treaty of 1819, only to be revived again a quarter of a century later, in Polk's campaign cry for the "*re-annexation of Texas.*" With the Floridas the case was different. Large rivers from our Territory of Mississippi emptied along the Florida Gulf coast, and the control of this coast was necessary both for the outlet of our commerce and for the protection of our territory against Indian raids.

Into the complications of the Florida case we cannot enter here. Suffice it to say that neither Napoleon nor Monroe believed that Florida was included in the Louisiana Purchase. The former instructed his agent, Berthier, in August, 1800, to get Spain "*to join to this cession (Louisiana) that of the two Floridas, Eastern and Western,*" and as late as the autumn of 1802 was still vainly urging King Charles to part with the Floridas. Monroe was on the point of setting out for Madrid, immediately after the conclusion of the treaty at Paris, to endeavor to buy the Floridas from Spain "*for another million or two,*" when he was deterred by the French ministers, who had good reason for not advertising in

Madrid their sale of Louisiana to the United States. These facts would seem to be proof enough that we did not purchase the Floridas in 1803. Yet Jefferson studied up the old boundaries of French, Spanish, and English claims in Florida during his summer rest at Monticello, and came to the (highly desirable) conclusion that we had purchased West Florida up to the Perdido River—the division between French and Spanish spheres of influence on the Gulf shore at the close of the seventeenth century. “I am satisfied our right to the Perdido is substantial,” he wrote to Secretary Madison on August 25, “and can be opposed by a quibble . . . only.”

Encouraged by the administration in this further adventure in expansion, Congress in February, 1804, authorized the President to erect the “shores, waters, and inlets of the bay and river of Mobile” into a customs district; and on May 20 Jefferson, in spite of spirited protest from the Spanish minister at Washington, carried out the act by proclamation. The rest of the story of Florida is an illustration of La Fontaine’s fable of the wolf and the lamb. Spain sank into a state of vassalage to France. The mighty Napoleon deposed her sovereign and set his own brother on the throne of Madrid. Her colonies in America revolted one by one and established their independence. Step by step we absorbed the valuable Gulf shore of Florida under Jefferson’s suc-

cessors, Madison and Monroe. In 1810 Madison proclaimed the annexation of West Florida; in 1812 that part of it west of the Pearl River was added to the newly created State of Louisiana; in 1813 the country was occupied as far as the Perdido; in 1818 General Jackson swept across East Florida to chastise the Seminole Indians; and finally, in 1819, a treaty was negotiated by which Spain withdrew from the Floridas altogether. Thomas Jefferson, in that piece of historical research at Monticello in the summer of 1803, was preparing the ground for Jackson's conquest. It was Jefferson's claim that Madison and Monroe extended and consummated.

Nor was Jefferson's vision of expansion bounded by the Rockies and the Gulf. We have already noticed his interest in the exploration of the Far West which antedated even the treaty of our independence. When Jefferson became President he took advantage of his position to push the matter. He sent a message to Congress on January 18, 1803 (just a week after the appointment of Monroe as special envoy to Paris), asking for an appropriation of twenty-five hundred dollars to send "an intelligent officer with 10 or 12 chosen men fit for the enterprise," to explore "even to the Western Ocean," to get acquainted with the various Indian tribes, secure admission among them for our traders, and bring back geographical, zoölogical, and botanical knowledge of the land. With a quite naïve disre-

gard of the ethics of sending an armed force through the territory of a friendly power, he says that the nation [Spain] claiming the region would be inclined to regard the expedition as "a literary pursuit," and would not be jealous—"even if the expiring state of its interests there did not render it a matter of indifference." The "intelligent officer" whom Jefferson had in mind to lead the expedition was his private secretary, Meriwether Lewis, whom he had tried to start on a similar expedition with the French explorer, Michaux, eleven years before. With Lewis he joined William Clark, a younger brother of George Rogers Clark, the hero of Vincennes. After a year of serious training, the expedition consisting of forty-five persons left camp on the Du Bois River, a little above St. Louis, for the long journey to the "Western Ocean." They went up the Missouri in three boats, rowing and poling through the muddy stream, while their hunting horse followed along the bank.

No story in our history is more fascinating than the original records of the Lewis and Clark expedition, gathered with great diligence and edited in most attractive form by the late Professor R. G. Thwaites, unless it be Francis Parkman's account of his repetition of the journey in "The Oregon Trail." The instructions given to Lewis by Jefferson covered every possible topic of inquiry concerning the lands and tribes through which the explor-

ers should pass; and the fidelity with which the chief and the members of the party kept their notes enables us to follow them day by day, almost hour by hour, up the Missouri to its source, across the "great divide" to the headwaters of the Columbia system, and down to what Clark in his homely, direct, ungrammatical style calls "the great Pacific Otean which we have been so long anxious to See and the roeing noise made by waves braking on the rocky Shores (as I suppose) may be heard distictly." The party spent its second winter (1805-6) on the Pacific coast at the mouth of the Columbia, and, starting on the return trip in March, were back in St. Louis before the end of September, 1806. The Lewis and Clark Expedition was the first recorded passage of white men across the northern part of what is now the United States. It forms an important chapter in the history of our expansion, for not only did it lay a foundation for the scientific acquaintance with our newly acquired territory of Louisiana, but it proved the best of our claims to the great Oregon region beyond. So the other half of the slogan of Polk's campaign in 1844, the "*re-occupation of Oregon*" also goes back to the expansionist activities of Thomas Jefferson.¹

¹ There is no evidence that Jefferson gave the directions to General Wilkinson for sending Zebulon Pike to find the headwaters of the Mississippi in 1805 or to explore the region south of the Arkansas and the Missouri in 1806, though, as Channing remarks of the later mission, "it seems unlikely that Wilkinson would have sent a de-

The presidential election of 1804 found Jefferson at the full tide of his success and popularity. His foreign policy had been approved by large majorities in both Houses of Congress. The reports of the exploits of our gallant sailors in the Mediterranean filled American hearts with pride. Our revenues were so swelled by duties on our imports that we were able to pay the current expenses of the government, civil and military, the interest on the Louisiana stock, three million, six hundred thousand dollars on the principal of the debt, and still have a balance in the treasury, September 30, 1804, of nearly five million dollars, without resorting to increased taxation. Harmony reigned in Congress and the cabinet.

In the country at large Republicanism had been growing steadily. With the sole exception of Matthew Lyon, of Vermont, the electors of the New England States had cast their votes solidly against Jefferson in the great contest of 1801. Four years later Connecticut alone remained faithful to the waning Federalist cause. Factious opposition to the Louisiana Purchase, jingo patriotism to stir up war in the Western settlements, sarcastic toasts at banquets to the "limitation of Virginia's domination by the Constitution—or by the Delaware,"

tachment of his small army into a region which was in dispute between the United States and Spain without the authorization of those who were responsible."

desperate plans to join New York, New Jersey, and Delaware with New England in a secessionist movement, through appeals to the ambition of the discontented Burr, all resulted in nothing except the defeat of Burr for the governorship of New York and his murderous revenge on Alexander Hamilton on the duelling-ground at Weehawken Heights.

Jefferson declared that it was his "decided purpose," when he entered the presidency, to retire at the end of one term to a life of tranquillity. But early in 1804 he wrote to Governor McKean, of Pennsylvania: "The abominable slanders of my political enemies have obliged me to call for [a] verdict from my country in the only way it can be obtained." He therefore allowed himself to be nominated by a Congressional caucus, with George Clinton, of New York, for his running mate. The Federalists, without the formality of a nomination, agreed to vote for C. C. Pinckney, of South Carolina, and Rufus King, of New York. The Twelfth Amendment was ratified and proclaimed before the election, providing for the specific designation of President and Vice-President on the ballots, and thus obviating either of the electoral anomalies of 1797 and 1801. Seventeen States voted, Ohio having been admitted into the Union in 1802. The result of the contest was never in doubt, but the completeness of Jefferson's victory was a surprise. His Federalist opponent carried only the two States of

Connecticut and Delaware, which, with a little help from Maryland, gave them fourteen votes in the electoral college to one hundred and sixty-two for Jefferson and Clinton. No other President, with the exception of Washington, has ever received so complete an indorsement of his administration or so universal an expression of the confidence of the American people.

Jefferson believed that he had "brought over" the great body of Federalists to Republicanism; but he had in reality gone far more than half-way to meet them. He had more than redeemed the pledge of his inaugural address to "preserve the general Government in its whole constitutional vigor." He had endowed it with extra-constitutional vigor. The Jefferson of the Kentucky Resolutions seemed a figure of the dim past. The "Virginia school" had protested all through the closing years of the eighteenth century against the assumption of undelegated powers by the central government, but four years of power had wrought such a change that the Federalists were now asking within what limits the "Virginia domination" could be restrained. A President who took it upon himself to double the area of the United States by purchase, to incorporate a foreign population into our body politic and accept a dictatorship over them, to decide from his own private researches the limits of territory in dispute between this country and Spain,

to send a force of soldiers and explorers through the region belonging to a friendly power, to threaten to join our nation in marriage "to the British fleet and nation" without asking the consent of either, to advise Congress to "cast metaphysical subtleties behind them" and take the risk of supporting an executive who had confessedly "done an act beyond the Constitution"—such a President was hardly less a Federalist than Washington or Adams.

CHAPTER IX

THE STRUGGLE FOR NEUTRALITY

Peace is our passion. (Jefferson to Sir John Sinclair, June 30, 1803.)

It would have been well for his peace of mind if Jefferson had swallowed the "abominable slanders" of his enemies and returned to his beloved Monticello at the end of his first administration, for his second term was a "sea of troubles." The triumph of 1804 he took to be the harbinger of a long period of harmony and prosperity, when Republicanism should have put down all things under its feet. Writing to General Heath in December to rejoice with him over the "conquest" of New England, he said: "All will now come to rights. . . . The new century opened itself by committing us on a boisterous ocean, but all is now subsiding; peace is smoothing our path at home and abroad; and if we are not wanting in the practice of justice and moderation our tranquillity and prosperity may be preserved until increasing numbers shall leave us nothing to fear from abroad. With England we are in a cordial friendship; with France in the most perfect understanding; with Spain we shall be always bickering, but never at war till we seek it. Other na-

tions view our course with respect and friendly anxiety." It would have been impossible for a deceptive optimism to pack more errors of fact and judgment into a single paragraph. The "bickerings" with Spain were the only true prophecy—a prophecy which needed the touch of no very live coal from the political altars. Jefferson had spoken of the presidency when he was elected to the second place in 1797, in terms perhaps of self-solacing depreciation, as a "splendid misery." He was now to have full experience of the misery of the office whose splendor he had always spurned.

First of all came schism within the Republican ranks. We have already touched on the bitter strife of the Clinton and Livingston factions in New York, with Aaron Burr, the "arch opportunist in conspiracy," first coquetting with the Federalists in plans of disunion, then slaying their leader in a duel. Faction raised its ugly head in Pennsylvania, too, the charter State of Republicanism north of the Potomac. Massachusetts, over whose "conversion" Jefferson exulted in December, 1804, elected a Federalist governor and legislature the following April. "I see with infinite pain the bloody schism which has lately taken place among our friends in Pennsylvania and New York," wrote Jefferson only two months after his second inauguration, "and which will probably take place in the other States." This time his prophecy was correct.

His own State of Virginia was ready for partial revolt, and the leader of the disaffection was Jefferson's distant kinsman, John Randolph, of Roanoke.¹

"Eccentric," "vituperative," "sarcastic," "uncontrollable," "venomous" are the adjectives which precede Randolph's name with Homeric constancy, and a Homeric phrase, too, fitly describes his mental superiority of his fellow members of Congress. In a House of mediocrities he alone, like Tiresias in the underworld in the *Odyssey* "was wise, and the others flitted as shadows." He might have broken the administration's control of Congress, had not his excess of zeal and temper delivered him into the hands of the patient, wary President. As it was, he led a schism, and gave the Federalists the immense satisfaction of seeing disunion among the "Virginia lordlings." Randolph prided himself on being a Simon-pure Republican of the "old school," with no apologies to make for the Virginia and Kentucky Resolutions, whose authors had gone far on the path of reconciliation with Federalist doctrines. Why should Thomas Jefferson seek the Lincolns and Dearborns and Crowninshields of Massachusetts for his advisers, drawing only a single member of his cabinet from the States south of the Potomac, and that one a man still "tainted" with the old

¹ Randolph with his inimitable genius for barbed epigram, likened the second administration of Jefferson to the seven lean kine of Pharaoh's dream who rose up and devoured the seven fat kine of the first administration.

heresy of Federalism? Where were the representatives of the Southern planters' interests?

Randolph's break with the administration came in the winter session of 1805-6, but he was already estranged at the opening of the new presidential term. Both the estrangement and the rupture were provoked by measures which Jefferson insisted on with a tenaciousness which contrasted strangely with his general pliability in matters of practical government. We have already seen with what jealousy Jefferson regarded the life-tenure and the practical immunity from popular control of the federal judiciary. While in many of the colonies the judges had been responsible to the legislatures, while even in England itself they were removable on address by the Houses of Parliament, our republican Constitution had out-monarchied monarchical Britain by placing the judges beyond popular, legislative, or executive control except by the cumbrous process of impeachment "for high crimes and misdemeanors," initiated by the House and sustained by a two-thirds vote of the Senate. The Federalists, defeated at the polls in the election of 1800, had "taken refuge in the judiciary," as Jefferson complained. Commissions had been withheld, to be sure, from the new batch of superfluous judges created by John Adams in the "midnight hours" of his term, and the act creating the new positions had been repealed. But still there remained the

supreme court, inviolate because created by the Constitution. And at its head was a man appointed by Adams after the victory of the Jefferson-Burr ticket, John Marshall, who began his long career of thirty-four years of fortification of the power of the central government by ruling in the case of *Marbury vs. Madison* that the supreme court could declare laws of Congress null and void if they conflicted with the court's interpretation of the Constitution.

Jefferson ordered the attack on this stronghold of Federalism, the national judiciary. The first victim was John Pickering, a district judge of New Hampshire, who was impeached early in 1804 on the charge of habitual drunkenness, profanity, and gross language of abuse on the bench, and, in spite of a touching petition from his son, alleging insanity as the cause of the old judge's deplorable behavior, was voted guilty by the Senate and removed. After this "*experiment in corpore vili*," the administration sought higher game. Samuel Chase, of Maryland, a veteran of the Revolution and a signer of the Declaration of Independence, had been appointed to the supreme court by Washington in 1796. He had been particularly fierce against the Republicans in his conduct of trials under the Alien and Sedition Acts, overstepping the line of impartial instruction in the points of the law by converting his charges to the jury into political harangues. In addressing a

grand jury in Baltimore on May 2, 1803, he had attacked the Jeffersonian doctrine of popular government as "fatal to all security for property and personal liberty" and a harbinger of "mobocracy, the worst of all possible governments." Jefferson was stirred to revenge. "Ought this seditious" (note the adjective from the author of the Kentucky Resolutions!) "and official attack on the principles of our Constitution . . . to go unpunished?" he wrote to Nicholson; adding with characteristic caution: "for myself, it is better that I should not interfere." The "hint" was taken. The same day that Judge Pickering's sentence was pronounced the House voted to impeach Samuel Chase of high crimes and misdemeanors.

John Randolph undertook the management of the case and expected to make it the grand event of the administration. The Senate chamber was hung with crimson, blue, and green. The temporary galleries were crowded with fashionable spectators. The gala scene recalled the impeachment of Warren Hastings in Westminster Hall twenty years before. But John Randolph was not Edmund Burke. His sarcastic jibes and vitriolic ravings, so effective in the running fire of debate in the House, were out of place in the solemn court. On some of the charges Chase was unanimously acquitted, and in none could a vote of more than nineteen senators (four less than the necessary two-thirds) be marshalled against him.

On the 1st day of March, 1805, three days before Jefferson's second inauguration, Aaron Burr rose from his chair as presiding officer of the Senate, and with ill-concealed congratulation in his voice and gesture declared the defendant "not guilty." As twenty-four of the thirty-four members of the Senate were Republicans, it was evident that Judge Chase had not been acquitted by the strength of the "Federalist faction"; and it was also evident to John Randolph that the cause of his party's infidelity and his own humiliation was the baleful influence of the Northern and Middle States on the administration. Jefferson had set on foot the impeachment proceedings, but had not been able to hold his followers in the Senate together for a verdict of condemnation. The President was shielded behind his discreet silence, while the obloquy of a public defeat rested on John Randolph of Roanoke. He was through with being the catspaw to pull Thomas Jefferson's chestnuts from the fire.

Randolph's opportunity for revenge was not long delayed. Since his excursion into the historical study of the boundaries of Louisiana during his summer rest at Monticello, Jefferson had been obsessed with the idea that Florida was rightfully ours. He came to feel that the whole glory of the Louisiana Purchase for his administration depended on the possession of Florida. But Spain interposed her stubborn refusal to give up an inch of territory

east of the Iberville and the Lakes, while Talleyrand, after having encouraged the American envoys to push the claim, blandly announced that France had not really received Florida from Spain in 1800, and hence could not have sold it to the United States in 1803. Jefferson, however, thought he knew better what Napoleon had bought and sold than Napoleon knew himself, and bent all the powers of his diplomacy to persuade the Corsican, who assumed the imperial crown of Charlemagne on December 2, 1804, to force Spain to relinquish Florida. It was the most unwise policy of Jefferson's administration. It exposed him to the triple charge of impatience, infatuation, and venality: impatience, because Jefferson himself had declared that the Floridas would come to us sooner or later through the development of our Mississippi Territory; infatuation because he thought he could exert pressure on the man who was setting out on the conquest of Europe¹; and venality, because he was willing to pay again secretly through Napoleon as the "honest

¹ Little did Jefferson realize the course which the renewed war between England and Napoleon would take in Europe. He looked on it as an embarrassment to Napoleon, which would dispose him to lend a favorable ear to representations from Washington! "The present crisis," he said in a message to Congress, December 6, 1805, "is favorable for pressing such a settlement [the claim to Florida] and not a moment should be lost in availing ourselves of it." Four days before this message was read Napoleon had shattered the imperial armies of Austria and Russia at Austerlitz, and established the mastery of the Continent of Europe which was to be finally broken only on the field of Waterloo a decade later.

broker" for what he publicly insisted we had already bought.

In fact, Jefferson was in a most uncomfortable dilemma. To waive the claim to Florida would tarnish, as he believed, the most brilliant and popular act of his administration. To insist on the claim to Florida would mean war with Spain (unless Napoleon should help us), which Jefferson was more anxious to avoid than the Court of Madrid. "Why should we give up Florida without a struggle," said the Spaniards, "when all you could get as a result of a victory over our arms would be just Florida?" In this dilemma Jefferson resorted to tactics which he had practised three years before in the purchase of Louisiana. Just as he then threatened that we would "marry ourselves to the British fleet and nation" the moment the French established themselves at the mouth of the Mississippi, and at the same time instructed our minister to negotiate for the purchase of New Orleans, so now he threatened war with Spain in public, hoping to frighten her to consent to a bargain in private. The regular annual message which was sent in to Congress on December 3, 1805, was quite belligerent in tone, as it recounted the manifold offenses of Spain: her refusal to recognize the just limits of Louisiana, her depredations on our commerce at Mobile, the marauding expeditions of her subjects into our Mississippi Territory. A further communication on the subject

was promised shortly. Three days later a "confidential" message came from the President and was read behind closed doors to a House tense with the expectation of the recommendation of war. But the message proved to be as mild as any pacifist could wish. Instead of calling for the use of the army and navy against perfidious Spain, it suggested that the time was "favorable for pressing a settlement," and pledged the President to pursue with zeal the course which Congress (to whom it "belonged exclusively to yield or deny" [resist]) should determine. This cryptic message was referred to a committee of which John Randolph was chairman. When Randolph demanded in a personal interview at the White House what the President meant in plain terms, he was told that two million dollars were wanted to secure the cession of the Floridas.

Randolph had not scrupled to lend his aid to a similar negotiation for the purchase of Louisiana, but that was in the early days when he was friendly to the administration. Now Randolph, to the dismay of the President's friends, rose in his seat and opposed the appropriation of the two million dollars with all the sarcastic vehemence of his nature. What was the meaning of this double dealing of the President, he asked: a message for the public breathing dire defiance and a secret message for Congress hinting that they might choose peace and the pay-

ment of tribute? Did the President wish to pose before England and Spain as a warrior bold, and shift to Congress the unpopular rôle of seeming to restrain him within the peaceful bounds which he never in his heart meant to exceed? Were we to "prostrate our national character to excite one nation [France] by money to bully another nation [Spain] out of its property?" He for one would have no part in this nefarious scheme to "deliver the public purse to the first cutthroat that demanded it."

Surprised and chagrined by this proclamation of rebellion, Jefferson saw himself obliged to choose between the harmony of his party and the maintenance of his policy. He chose the latter, and John Randolph led off his group of "Quids" in schism. They were not many. Jefferson affected a certain indifference to their defection, speaking of them a year later in a letter to W. C. Nicholas as a "little band of schismatists who will be 3 or 4 (all tongue)." But in spite of this exaggerated depreciation Jefferson felt it keenly when twelve of the twenty-two Virginia members of the House voted against the two-million-dollar bill. He carried the measure, by the rather narrow margin of seventy-six to fifty-four, and with it a bill to prohibit American trade with the French island of Santo Domingo, which Talleyrand had declared "must stop." So far was he willing to go on the road of deference to Napoleon!

Still the price he paid for having his way was high, and the returns that he got were small. He incurred the charge of truckling to France, of holding the whip-hand over Congress, of alienating some of the leading Virginia Republicans, and of causing an open rupture in his party, just like John Adams. Napoleon took not a single step toward satisfying our claims to the "rightful boundaries of Louisiana." The Emperor was busy elsewhere. His face was turned from Washington toward Jena, Eylau, and Friedland. Florida still dangled before Jefferson's Tantalus gaze. A dozen years were to pass before Spain, exhausted by her struggle with the mighty Corsican, and shorn of her colonies in the New World, was to yield us title to the shores which Ponce de Leon had christened the "land of flowers" in the days of her strength and glory three centuries past.

The stormy session of the ninth Congress which had opened on the day of Austerlitz (December 2, 1805) came to a close on April 21, 1806. The President had carried through a fruitless programme at the cost of divided counsels and waning popularity. "Mr. Jefferson has worried himself so much with the movements of Congress," wrote the French minister at Washington to Talleyrand on May 10, 1806, "that he has made himself ill and grown ten years older." But Jefferson's troubles were only beginning. While he was laboring during the summer of 1806 to heal the schism in the party, combat-

ing the charges of inconsistency and intrigue which John Randolph was publishing over the signature of Decius in the Richmond *Enquirer*, indignantly denying to Duane the rumor that he had "denounced the old Republicans by the epithet of Jacobins," and exhorting his secretaries, Callatin, Madison, and Dearborn not to let the "malignant . . . efforts of their adversaries succeed in sowing tares" between them, difficulties and dangers were multiplying at home and abroad. Persistent and ugly rumors came to Washington of the treasonable movements of Aaron Burr in the Western country, and the depredations of French and English cruisers on our commerce were growing intolerable.

Just what Burr intended to accomplish by his plots in the Southwest will never be clear, nor could he probably have given a coherent account of them himself. For his plans evidently changed with his fortunes. It is certain, however, that after the ruin of his political career in the East by the slaying of Hamilton he entertained grandiose notions of starting a "new empire" in the West. Now it was a scheme to detach all the States west of the Alleghanies and join them to Louisiana, as he confided to the English minister, Merry, whom he asked for financial aid to the extent of half a million, and a supporting squadron of British ships at the mouth of the Mississippi. Now it was a desperate plot to kidnap the heads of the government, seize the pub-

lic treasure, and sail for New Orleans to proclaim the independence of Louisiana. Now it took the form of a great empire in Mexico and Central America, in which he should be the new Montezuma. Now it dwindled into the harmless scheme of purchasing and colonizing the Bastrop grant on the Red River. The whole episode, which fills the two years from Burr's retirement from the vice-presidency in 1805 to his trial in Richmond in 1807, is a tangled drama of intrigue and deception, with the two arch scoundrels, Burr and Wilkinson, in the title-rôles; with Major-General Andrew Jackson grazing the edge of treason in his ostentatious reception to Burr in Tennessee, and Henry Clay pledging his own "honor and innocence" in support of Burr's before the grand jury of Kentucky; with the blandishments of Theodosia Burr Alston, the "empress elect," and the poor braggart dupe, Blennerhasset, shorn of his money.

Jefferson had at first rumors, then more definite reports from several sources, of "strange and suspicious movements" by Burr in the West, early in the year 1806, but he treated them with indifference. He was absorbed in his quest for Florida. General Eaton, a hero of the Tripolitan war, called on him a few weeks after he had carried the two-million-dollar bill through the House, and told him from good evidence that "if Colonel Burr was not disposed of we should in eighteen months have an insurrection

if not a revolution on the waters of the Mississippi." Jefferson replied that he had "too much confidence in the . . . attachment of the people of that country to the Union to admit of any apprehensions of that kind." Mr. Henry Adams says in his detailed account of the conspiracy that "a word quietly written by Jefferson to one or two persons in the Western country would have stopped Burr short in his path and would have brought Wilkinson to his knees." Yet Jefferson, either on account of what Randolph called "the easy credulity of his temper," or because Wilkinson had some hold on him which we cannot explain, or because the most convincing evidence of Burr's treason was furnished by a Federalist district attorney, took no action until near the close of November, 1806, and then only issued a general proclamation without even mentioning Burr's name. "Sundry persons," it declared, were conspiring against Spain (!), and all officers of the United States were ordered to seize and detain such persons. Burr slipped by the forts at the mouth of the Ohio and kept ahead of the slowly travelling proclamation on his way down the Mississippi. It remained for Wilkinson, betraying Burr as he had for years betrayed his country by the acceptance of Spanish gold, to bring the "conspiracy" to a halt by prohibiting Burr's approach to New Orleans. Realizing that the game was up, Burr surrendered to Governor Meade, of the Missis-

issippi Territory, escaped in the guise of a woodman, and was finally apprehended, at the end of February, 1807, near the Spanish frontier of West Florida, and sent to Richmond for trial.

After his "culpable negligence" in not suppressing the conspiracy, Jefferson now showed great zeal in prosecuting the victim. But his unfortunate delay had made him rather the accomplice of Wilkinson than the dignified first magistrate of the land, the sworn defender of its Constitution and laws. His implacable enemy, John Marshall, presided over the circuit court at Richmond, and designated as foreman of the grand jury a newer but no less implacable enemy of the administration—John Randolph, of Roanoke. A third enemy, Luther Martin, of Maryland, whom Jefferson called an "impudent Federal bull-dog," was the leading counsel for Burr, as he had been for Chase. At the hands of these men the trial soon assumed the form of an inquisition into the conduct of Thomas Jefferson rather than of Aaron Burr. Instructed by Marshall on the nature of the "overt act" which constituted treason, John Randolph refused to bring in a bill of indictment on that score, and Burr was tried for a misdemeanor only. The court summoned Jefferson by subpoena to appear in person with papers relating to the alleged conspiracy, and when the President refused to obey the summons on the ground that it would be incompatible with the dignity of

his position, he was obliged to endure sarcasms from Luther Martin, which certainly did not elevate that dignity. He was accused of having prejudged Burr and "let slip the dogs of war and the hell-hounds of persecution" against him. Jefferson did, in fact, write more than a dozen letters from Washington and Monticello to George Hay, the district attorney at Richmond, spurring on the prosecution, threatening that Marshall's career would be at an end if he allowed Burr to escape punishment, and even suggesting that Luther Martin be arraigned as a *particeps criminis*. He was driven to these extremities partly by the embarrassment of having to lean for his star witness on James Wilkinson (a very rotten if not a broken reed), and partly by the disgraceful partisanship of the Federalists, who for the sake of humiliating Jefferson were willing to caress the man who had cost them New York and the election of 1800 and had slain their leader in duel. The Burr trial was rather a political campaign than a judicial process. When the prisoner was acquitted the Federalists celebrated with feasting and hilarity. Even John Marshall felt a "sober satisfaction" beneath his impassive mien, and John Randolph was avenged for another acquittal, two years before, when he had borne the odium of defeat in doing the will of Thomas Jefferson.

While these scenes were being enacted in Richmond, "scenes," said Jefferson, "never before ex-

hibited in any country where all regard to public character had not yet been thrown off," a crisis arose with Great Britain, which threw our land into a state of excitement and exasperation such as it had not experienced since the days of Lexington and Bunker Hill. On June 22, 1807, his Majesty's ship, *Leopard*, fired on the American frigate *Chesapeake*, off the Virginia coast, and left her, with twenty-one killed or wounded men on her decks, her hull pierced by twenty-two solid shot and her rigging lacerated by grape, to creep back to her anchorage at Norfolk. To understand this outrageous act, whose consequences embarrassed the remaining months of Jefferson's already sorely embarrassed administration, and led eventually to our second war with England, we must turn to a brief review of our foreign relations in the years immediately preceding the *Chesapeake* affair.

During the ten years from the Jay Treaty to the second inauguration of Jefferson, we were on good terms with England. Our difficulties with France (the quarrel with the Directory, the X Y Z affair, the quasi war of 1799-1800) tended to obscure the unsatisfactory features of the Jay Treaty, while the able diplomacy of our minister, Rufus King, improved our relations with the Court of St. James. Moreover, England's activity in the French Revolutionary wars diminished toward the close of the century and expired finally in the Treaty of Amiens,

concluded with the First Consul on March 25, 1802. Since our controversies with England and France over the rights of neutral trade waxed and waned with the severity of the European struggle, the early years of Jefferson's presidency were peculiarly favorable to our peace and prosperity. The Louisiana Purchase put us on those terms of good-will with France which always result from an important transaction highly satisfactory to both parties. A few weeks later (July, 1803) Rufus King, across the Channel, concluded two conventions with the Addington ministry which went far toward removing the lingering resentment over the Jay Treaty. England accepted six hundred thousand pounds in payment of the long-standing debts to her creditors and agreed to commissions for the determination of our northwestern and northeastern boundaries. The Barings, with the consent of the British Government, advanced the cash on our Louisiana stock. King was even confident that he would have persuaded the ministry to stop the impressment of American sailors if he had not been on the eve of his departure for home. "The present administration," wrote Jefferson, "is the most favorable that has existed or could exist for the interests of the United States."

Then the storm burst in Europe which was destined finally to draw us into the maelstrom of war. Eleven days after the signatures were set to the Louisiana Purchase Treaty, Napoleon made his

categorical demand on the British ambassador for "Malta or war," and Great Britain took up the challenge by a formal declaration of hostilities, May 18, 1803. This opened the titanic struggle which was to convulse Europe from St. Petersburg to Lisbon, and was to end only with the exile of the Corsican to St. Helena. We have seen how Jefferson at first mistakenly supposed that the renewal of war in Europe, from which we were so far and fortunately aloof, would only serve to advance our interests. Napoleon's "embarrassment," he thought, would be the favorable moment to press his darling project of the claim to Florida; while England would do nothing to risk losing a trade of forty million dollars with the United States. "Our commerce," he wrote, "is so valuable to them that they will be glad to purchase it when the only price we ask is to do us justice. I believe we have in our hands the means of peaceable coercion."

The events of the summer and autumn of 1805 would have taught a statesman less enamoured than Jefferson of the abstract principles of political ethics that peaceful coercion of England and France had about as much chance of success as peaceful remonstrance with an "infuriated highwayman." In July Sir William Scott, of the admiralty court, reversing a decision of four years earlier, declared in the *Essex* case that neutral ships could not carry the enemy's products from the West Indies to Europe,

even if breaking the voyage by call at an American port. In August, Napoleon moved his grand army from its camp at Boulogne in his wonderful march across Europe to the Danube. In October Lord Nelson shattered the combined French and Spanish fleets at Trafalgar and made England mistress of the ocean. In December Napoleon crushed the combined armies of Austria and Russia at Austerlitz and made himself master of the Continent. From this time forth England had one policy, to control the ocean-borne trade of the world. Her life depended on her food supplies from abroad. The wealth for her gigantic struggle against Napoleon depended on her keeping open the markets for the disposal of her manufactures. Britannia must literally rule the waves. Neutral trade must obey her orders or cease to exist.

Jefferson recognized the change in England's attitude; still he labored for peace. He hailed with joy the accession of the liberal and friendly Whig statesman, Charles James Fox, on the death of Pitt in January, 1806. In May he sent William Pinkney, of Maryland, to join Monroe in London to negotiate a new commercial treaty, instructing him to ask for a cessation of impressments, the replacement of our West Indian trade on the basis of 1801, and reparation for depredations on our commerce under the *Essex* ruling. Jefferson could not or would not see that a nation whose foreign trade had grown from

363,111 tons in 1791 to 669,921 tons in 1800, and was well on its way to the million mark, did not control the maritime policy of the world. He still believed after Trafalgar that we "held England by the throat."

Before Monroe and Pinkney put their names to a treaty so careless of American rights that Jefferson would not even submit it to the Senate for ratification, a new chapter opened in the European struggle. The British ministry, unwilling to see Napoleon's growing empire supplied with colonial products through the neutral carrying trade after the French fleet had been swept from the ocean, began to issue orders blockading the coast of the continent (Fox's blockade of April 8, 1806). Napoleon, on his part, after failing to subdue the British Isles by force, determined to starve them by prohibiting all trade in English merchandise on the continent and ordering the seizure of all vessels coming from England or the colonies to a port within his control (Berlin Decree of November 21, 1806). The British ministry, with quite brutal frankness, made our repudiation of the Berlin Decree the condition for any treaty of commerce with the United States; while Napoleon, with no more good-will but with a cynical flattery, "assumed" that the Americans would not submit to the "unjust and illegal measures" of Great Britain, which "dishonored them and disgraced their independence." The French minister at Wash-

ington, Turreau, unable to appreciate Jefferson's policy of "peaceful coercion," in the face of such manifest encroachment on our rights and dignity by Great Britain, could attribute our passive behavior only to our "sordid avarice, sentiments of fear and of servile deference for England with which the inhabitants of the American Union are penetrated."

Such was the deplorable situation of our commerce and diplomacy when the attack of the *Leopard* on the *Chesapeake* aroused our country to a state of excitement "unparalleled since the affray at Lexington." Jefferson assembled his scattered cabinet on July 2, and issued a proclamation ordering all armed vessels of Great Britain out of the waters of the United States. He directed gunboats to points on our coast liable to attack, ordered the governors of the States to have one hundred thousand militia ready for call, summoned our fleet from the Mediterranean, and despatched a war-ship appropriately named the *Revenge* to England to demand the disavowal of the attack on the *Chesapeake*, the restoration of the men taken from her decks, and the punishment of Admiral Berkeley, the commanding officer of the British Atlantic squadron. The country stood solidly behind the President. "But one feeling pervades the nation," wrote Nicholson; "all distinctions of Federalism and Democracy are vanished. . . . I trust in God the

Revenge is going out to bring Monroe and Pinkney home."

That Jefferson's measures were ineffectual was due rather to the incalculable situation in Europe than to the sentiments of "fear and servile deference" with which the French minister—followed by some American historians—charged him. On the very day of the *Chesapeake* affair a reactionary Parliament met at Westminster with a clear majority of two hundred Tory members, eager to support the most dictatorial coercion of neutrals advocated by Spencer Perceval and George Canning, and to hound on the chauvinistic editors who were denouncing America as "an insignificant and puny power," which would not be "suffered to mutilate Britain's proud sovereignty of the ocean." Three days after the *Chesapeake* affair, the victor of Friedland met Alexander of Russia on a raft in the Niemen and planned the division of Europe between them and the annihilation of Great Britain. It was the climax of the struggle between the master of the land and the mistress of the seas, between "the tiger and the shark." And in the struggle, which meant empire for Napoleon and existence for England, the last shreds of neutral rights were swept away. British Orders in Council declared every port from which the British flag was excluded (that is, practically the whole Continent of Europe) under strict blockade, and compelled all neutral vessels

wishing to enter such ports to call first at a British port and pay "transit duties" to the British Government. Napoleon replied with the Milan Decree (December 17, 1807), ordering the seizure of any vessel that had touched at a British port, submitted to search on the high seas by a British cruiser, or paid dues to the British customs officers, on the ground that such a vessel had suffered itself to be "denationalized" and become English property. Great Britain closed the Continent to us except through English ports: Napoleon threatened confiscation of every ship that came through those ports. Our commerce was ground between the Orders and the Decrees as between the upper and the nether millstones.

Three courses were open to Jefferson. He might declare war against England or France, or both; he might let things continue as they were, still hoping to make the thin voice of diplomacy heard above the increasing storm of battle; or he might punish both England and Napoleon by cutting off a commerce which he believed absolutely necessary to their existence. If England fined our trade thousands of dollars by the new Orders in Council, we would fine her treasury millions by cutting off that trade altogether. Jefferson had really no idea of going to war. He saw, as well as John Randolph, the futility of a struggle against "the leviathan of the ocean," with such feeble military and naval re-

sources as six years of a peace economy had left to the United States. At the same time Jefferson was unwilling frankly to accept the logic of his own policy. His popularity was dearer to him as his term of office drew to an end. He assumed a tone of firmness, and even of menace, in his proclamations and messages, while he sought by secret expedients to "arrange matters" with the British minister and envoy. In the midsummer of 1807, when the American people were seething with indignation, Jefferson breathed out defiance: "If England does us ample justice it will be a war saved, but I do not expect it." "If we must have a war it is a good time, for England has Napoleon on her hands." "I say *Down with England!* and as for what Bonaparte is to do to us, let us trust to the chapter of accidents." When, however, the news reached America at the same moment that Napoleon had determined to enforce the Berlin Decree against us, and that the Tory ministers of George III refused to yield an inch in the matter of impressments, Jefferson spoke no more of war. He sent his orders to an obedient Congress to lay an indefinite embargo on the foreign shipping of America, while his secretary of the navy, Robert Smith, privately interceded, at his request, with Canning's special envoy, George Rose, to have "such steps taken as would conciliate the President's wish to give his Majesty satisfaction . . . and yet to retain what was preëminently valu-

able to him." The United States, having lost hope of obtaining the Floridas through Napoleon's good offices, said Smith, now "sincerely wished to see them in the hands of Great Britain."

It is impossible to approve Jefferson's conduct in all this, though we need not go to the length of Henry Adams's harsh judgment that he "trafficked the people's dignity and his own self-respect," and "begged for mercy from a British minister" in order to save his popularity. Until the batch of ill news (which no man could foresee) arrived from Europe in December, 1807, Jefferson undoubtedly believed sincerely in the efficacy of his humane and economic project of "peaceful coercion." And it is probable that he retired to private life, fifteen months later, still convinced that his plan would have worked had the cabinet, Congress, and the people stood by him as they did in the Louisiana negotiation. He was mistaken in his judgment, deceived and disappointed in his hopes; but he was not a hypocrite.

The wisdom of Jefferson's behavior is quite another question than its honesty. A fair judgment of this question cannot be based alone on the events of the year 1807, but must cover the whole policy of the administration. No mortal man, with the possible exception of Napoleon Bonaparte, could have foreseen, in the quiet year of the Peace of Amiens, the events of Austerlitz and Jena, of Friedland and Tilsit. When Jefferson entered the presidency we

were, for the first time since the declaration of our independence, not only on terms of formal peace, but also apparently on the way to lasting friendship with the European nations. It looked as though our days of tribulation were over. Except for the trivial war with the Barbary pirates, there was not a cloud in the sky. Jefferson entered on his policy of disarmament not as a wilful and capricious experiment, but with the cordial support of the best minds of his party, of Madison and Gallatin, of Randolph, Macon, and Giles. The success of that policy, until the great storm burst in Europe, is recorded in the treasury reports of Albert Gallatin. When the storm burst, it is true, neither our wealth nor our good intentions nor our fancied isolation could save us from being drawn into it. We were unprepared for war, and we were obliged to endure humiliation. But it still remains for those who have castigated and ridiculed Thomas Jefferson as the author of our misfortunes to prove that we should have been "prepared" to compel justice from the victors of Trafalgar and Friedland, even if every dollar that Gallatin applied to the reduction of our debt had been spent in building frigates. Not only would England "have fought us as readily in 1807 as in 1812" (as the acrimonious Morse confesses), but she would have fought us with far greater vigor and freshness. She would have fought us with the ruthlessness of Gambier at Copenhagen.

For she would then have been fighting for her very life, and as the war progressed the news of Napoleon's crowning audacities, of Bayonne and Erfurt, of Savona and Schönbrunn, would have spurred her to far other efforts than did the actual reports, a few years later, of the disintegration of the "Grand Army" amid the snows of Russia, the hasty evacuation of German soil by Napoleon after the "Battle of the Nations" at Leipzig, and the victorious march of Wellesley through the Peninsula. It was a blessing for us that our second war with England was begun in 1812 and not in 1807. If we could not prevent or avoid the storm, it was infinitely better that we suffered only its nearly spent fury.

It is as easy for the modern critic to harp on Jefferson's "timidity," "vacillation," and "culpable negligence" in this great crisis of world history, as it was for John Randolph to sneer at Madison's exposition of England's depredations on our commerce as "a shilling pamphlet matched against 800 ships of war." But neither John Randolph nor the modern critic would have had us build eight hundred or even eighty ships of war to match Great Britain's. Jefferson saw clearly in 1807 what all the world saw in 1815, that our difficulties with England and France were only "consequential to the great struggle between those nations." He sought, like another great Democratic President in our own day, to preserve our neutrality on the basis of the ex-

pectation of equal justice from both belligerents. He hoped to bide out the storm by patience. He wanted to remove the causes of friction between the United States and the warring countries of Europe, even at the expense of some inconvenience and loss to ourselves. "Till they return to some sense of moral duty," he wrote to John Taylor, of Carolina, in January, 1808, "we keep within ourselves. This gives time. Time may produce peace in Europe. Peace in Europe removes all causes of difficulty." The result of his policy was not war, but rather the postponement of the war for five years. He could have accomplished his purpose as well, however, if he had not put on the lion's skin to frighten Canning and Napoleon Bonaparte!

On December 18, 1807, Jefferson, already unofficially informed of the British orders of November 11, asked Congress in a brief message to "inhibit the departure of our vessels from the ports of the United States." In four days the Embargo Act, forbidding the exportation of goods from the United States to foreign nations by land or sea, passed both Houses of Congress by large majorities. The embargo was a revival of the policy of 1774 and 1794, when we sought to discipline England into respect for our commercial rights by proscribing her valuable trade. But, of course, the embargo was a double-edged weapon. For every bushel of wheat and bale of cotton that we refused to send across the Atlan-

tic, for every consignment of meat and flour that was stopped at the Canadian border, we had to deny ourselves an equal value in the imported comforts and luxuries of life which, with our growing wealth and population, were becoming more of a necessity each year. Every vessel tied to the wharf meant the loss of freight fees which the European war had raised to such a point that one successful voyage out of three meant a profit to the carrier. Even in the "simple colonial days" of 1774, in spite of the fervor of our Revolutionary protest, it had been almost impossible to enforce the non-importation agreement. How long, then, would our country acquiesce in the complete suspension of a foreign trade which by the year 1808 had reached an annual volume of fifty million dollars? William Pinkney, our minister at London, put his finger on the spot when he wrote home to Madison in the summer of 1808: "The Embargo and the loss of our trade are deeply felt here, and will be felt with more severity every day . . . but our measures . . . have not been decisive, because *we have not been thought capable of persevering in self-denial*, which is no more than prudent abstinence from destruction and dishonor."

The authorities in England naturally did everything in their power to defeat the embargo. They tempted American ships to sail for their ports by suspending the navigation acts in their favor and issuing licenses for them to trade with the forbidden ports of the continent. They had ample cause to

anticipate the failure of the embargo through the reports of political disaffection in America, which was stimulating and supplementing the strong motives of economic interest. The "Federal monarchists" of New England and New York, with Timothy Pickering at their head, were pursuing a course little short of downright treason to accomplish the discomfiture of Jefferson. They declared that the embargo was laid at the behest of Napoleon. Pickering wrote to Canning's special envoy, Rose: "The interests of the United States are interwoven with those of Great Britain and our safety depends on hers." He threatened the secession of New England in a letter to James Sullivan, the Republican governor of Massachusetts, declaring that "the States whose farms are on the ocean and whose harvests are gathered in every sea," must "seriously consider" how to preserve their interests. "Every man in New England," reported the British agent, Henry, to Governor Craig of Canada, "is opposed to war and attached to the course of England."¹

¹ Another agent of the British Government, John Howe, reported from Boston to the lieutenant-governor of Halifax, May 5, 1808: "They [the New Englanders] appear to blame their own government more than ours. . . . The irritation against Great Britain is fast wearing off. . . . They feel how necessary her friendship is to their prosperity." And from New York he wrote, speaking of the sentiment in Connecticut: "Here they speak on the subject with a degree of boldness that astonished me, and many of them even publicly lamenting that ever they were separated from Great Britain." Howe thought the administration would declare war against England in order to prevent the secession of New England. Professor Channing called the letters that Rose carried home with him from the Federalists "unpatriotic and treasonable."

The embargo was violated openly in the Northern States, in spite of a strict enforcing act to control even the coastwise trade, and the patrol of the Canadian border by armed troops.

Jefferson's embarrassment was painful. Not only did he have to endure the slanders of his political enemies, who charged him with the deliberate ruin of his country's prosperity,¹ but he had to bear the

¹ The violence of the attack on Jefferson may be measured by the following lines from William Cullen Bryant's poem, called *The Embargo*. Bryant was fourteen years old when the poem was written, in 1808.

"Curse of our nation, source of countless woes,
From whose dark womb unreckoned misery flows:
Th' embargo rages, like a sweeping wing,
Fear lowers before, and famine stalks behind.

And thou, the scorn of every patriot's name,
Thy country's ruin and her council's shame!
Poor servile thing! Derision of the brave!
Who erst from Tarleton fled to Carter's cave;
Thou who when menaced by perfidious Gaul,
Didst prostrate to her whiskered minions fall;
And when our cash her empty bags supplied!
Didst meanly strive the foul disgrace to hide;
Go, wretch, resign the presidential chair,
Disclose thy secret measures, foul or fair.
Go, search with curious eyes for horned frogs,
'Mid the wild waste of Louisianian bogs;
Or where Ohio rolls his turbid stream,
Dig for huge bones, thy glory and thy theme.

But quit to abler hands the helm of state
Nor image ruin on thy country's fate. . . ."

And so on for over five hundred lines. Of course, as Parton says, "this boy, gifted as he was, could only be the melodious echo of the talk he had heard in his native village."

new reproach of the sacrifice of principles which he once had held sacred and of such harmony as was left in his distracted party. In 1794 he had protested violently against the use of the militia by the President to put down the Whiskey Rebellion in western Pennsylvania. But when the embargo was resisted at Oswego in the summer of 1808 he advised Governor Tompkins, of New York, to march against the rebels: "I think it so important to crush these audacious proceedings and to make the offenders feel the consequences of individuals daring to oppose a law by force, that no effort should be spared to compass this object." His cabinet, a model of harmony till now, divided on the question of maintaining the embargo. "Most fervently ought we to pray," wrote Robert Smith to Gallatin, in August, 1808, "to be relieved from the various embarrassments of said Embargo." A Republican governor of Massachusetts at one end of the country, and a Republican justice of the supreme court from Charleston at the other end of the country, condemned the measure. The Federalist Justice Story declared that the embargo "went to the utmost limit of constructive power under the Constitution." This was the kind of indorsement with which the author of the Kentucky Resolutions was ending his administration.

Jefferson had decided in 1805 not to accept a third term. Like Jackson and Roosevelt after him,

he selected a member of his cabinet for a successor, and easily commended him to the party by the weight of his own influence. James Madison was nominated by eighty-three out of eighty-nine votes in a Congressional caucus convened in January, 1808. The anti-administration Republicans of the South favored James Monroe, whom John Randolph had been "grooming" for the presidency ever since his return from the English mission in 1806; while the disaffected Republicans of New York supported the candidacy of Vice-President Clinton. C. C. Pinckney and Rufus King were again the Federalist candidates. All of New England, except Vermont, reverted to the Federalist column, but still Madison carried the country by one hundred and twenty-two votes to forty-seven for Pinckney and six for Clinton. In his farewell message to Congress, in November, 1808, Jefferson praised the embargo as having frustrated the outrages "which meant war if resisted and the sacrifice of the vital principle of our national independence if submitted to." The House voted to maintain the embargo by the large majority of ninety-six to twenty-six. But with the attempt to apply the severe Enforcing Act of January 9, 1809, resistance became so wide-spread and desperate that Congress raised the general embargo and substituted therefor a Non-Intercourse Act with Great Britain and France. It was the beginning of the end of Jefferson's policy of "peaceful

coercion." Unwilling to commit his successor to the battle which he could not win himself, Jefferson signed the act on March 1, 1809, and three days later returned to private life.

The administration of Thomas Jefferson was a notable period in the development of the American nation. When he came to the presidency in 1801 our domain was bounded on the west by the Mississippi River, we touched the Gulf of Mexico at no point, no white man had crossed the continent, and but few were familiar with the shores of Lakes Michigan, Huron, and Superior. When he left the presidency eight years later the limits of the United States were the Rockies, the mouth of the Mississippi was ours, Lewis and Clark had penetrated the wilderness to the Pacific coast, and John Jacob Astor was planning his fur-posts on the Columbia River. Our population had grown from five million to seven million two hundred and fifty thousand, and was rapidly filling in the land between the Alleghanies and the Mississippi. Ohio, admitted as a State in 1802, with some fifty-five thousand inhabitants, counted two hundred and thirty thousand in 1810. Kentucky had grown from two hundred and twenty thousand to four hundred and six thousand, Tennessee from one hundred and five thousand to two hundred and sixty-one thousand, the Mississippi Territory from eight thousand to forty-one thousand. Our trade down the great

river, now wholly American from source to mouth, more than doubled during Jefferson's second term, reaching a figure in 1809 which foretold the day, not distant, when forty per cent of the foreign commerce of the United States should pass through the port of New Orleans. In the year before the Embargo Act took effect our exports and imports reached the considerable sum of one hundred and eight million dollars and one hundred and thirty-eight million dollars respectively—a total volume of trade not to be reached again until the year 1835.¹

Jefferson's mind expanded with the country. His political philosophy broadened and his constitutional straitness was relaxed. Little by little the cautious responsibility with which he wished to see the executive circumscribed had yielded to the splendid opportunities for the exercise of power which the possession of high office brought. Before the close of his term he spoke and acted like a nationalist of the Federalist school. The erstwhile enemy of an industrial economy with its large cities and its thousands of "artificers," "the panderers of vice and the instruments by which the liberties of

¹ The Embargo and Non-Intercourse Acts suddenly reduced exports to \$22,000,000 and imports to \$56,000,000 in 1808, and \$52,000,000 and \$59,000,000 respectively in 1809, which was far from a "total annihilation" of our commerce. The nadir was reached in the War of 1812, when our exports sank to \$6,000,000 and our imports to \$12,000,000 in the year 1814. From the conclusion of peace the recovery was steady, except in the panic year of 1819.

a country are overthrown," spoke sympathetically in his last message to Congress, in November, 1808, of the considerable investments of capital in industries destined to become permanent under the auspices of cheaper materials and subsistence, of the freedom of labor from taxation, and of protecting duties (!) and prohibitions. The erstwhile guardian of the "general government" within the limits definitely traced by the clauses of the Constitution, now suggested that Congress might appropriate the surplus of its revenues "to the improvement of roads, canals, rivers, education, and other great foundations of prosperity and union." But through all the phases of political development, amid the various vicissitudes of public and private fortune, in office or out of office, from his mature youth to his vigorous old age, there was one principle, sacred as a revelation from on high, from which Jefferson never swerved. He was convinced that the land of America, with all its material resources, belonged in full, undelegated possession to the successive generations of living men; that their rulers were but their honored servants, their laws the changing record of their evolving will, and their institutions the temporary form in which the travailing spirit of freedom was clothed. Thomas Jefferson believed in democracy.

Jefferson retired from the presidency under the shadow of the defeat of his long-cherished policy of

“peaceful coercion.” On the eve of his departure from Washington he set his signature to the first and only important bill that Congress passed against his wishes during the eight years of his presidency. Still, when the great democrat took his quiet way to Monticello, men forgot the present discomfiture and remembered only the long service of forty years continuous devotion to his country. Congratulatory addresses poured in upon him from all sides. The memorial of his native State was particularly eloquent and touching. It reviewed the accomplishments of the administration, the pomp and state laid aside, the patronage discarded, the internal taxes abolished, the debt discharged, the pirates of the Mediterranean chastised, the national domain vastly increased. It recalled the peace with the civilized world, preserved through a season of uncommon difficulty and trial, the goodwill cultivated with the unfortunate aborigines of our country and the civilization humanely extended among them,” and “that theme which above all others the historic genius will hang upon with rapture, the liberty of speech and the press preserved inviolate, without which genius and science are given to men in vain.”

“From the first brilliant and happy moment of your resistance to foreign tyranny,” the address concludes, “to the present day, we mark with pleasure and with gratitude the same uniform and con-

sistent character—the same warm and devoted attachment to liberty and the Republic, the same Roman love of your country, her rights, her peace, her honor, her prosperity. How blessed will be the retirement into which you are about to go! How deservedly blessed it will be! For you carry with you the richest of all rewards, the recollection of a life well spent in the service of your country, and proofs the most decisive of the love, the gratitude, the veneration of your countrymen.”

CHAPTER X

JEFFERSON IN RETIREMENT

I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man. (Jefferson to Benjamin Rush, September 23, 1800.)

SEVENTEEN years of life were left to Thomas Jefferson after his retirement from the presidency, years filled with the multifarious activities of a mind which never lost the zest of curiosity or the fine edge of intellectual discrimination. The quiet pursuits which he had often longed for amid the cares of public office were now his to enjoy to the full. He revelled in his books, his family, his acres, his buildings, his gardens, his undisturbed mornings of study, his relaxed hours of genial intercourse with a host of devoted friends and welcome guests.

On quitting office, Jefferson had taken the laudable resolution not to act the rôle of "the power behind the throne." He published a circular letter in March, 1809, declaring that he "would never interpose in any case with the President or the heads of departments in any application whatever for office." He insisted that he had no remotest wish to dictate the policy of his successors in the presidential office. He had "taken final leave of

politics." Having "gladly laid down the distressing burthen of power," he had "exchanged the newspapers for Tacitus and Thucydides, for Newton and Euclid." "The swaggering on deck as a passenger," he playfully wrote to his son-in-law, John Eppes, in 1813, "is so much more pleasant than climbing the ropes as a seaman"—and much more in the same vein.

But in this matter Jefferson yielded somewhat to a besetting temptation of his nature, namely, that of self-deception through the fervor of his own protestations. He was far too active a man and far too thoroughly identified with the life of the Republican party and solicitous of its fortunes to abjure politics during the exciting days of the War of 1812, and the uncertain days of national reconstruction which followed. Especially when the chief magistracy was held for sixteen of the seventeen years of his retirement by two of his closest friends and political lieutenants. Presidents Madison and Monroe consulted the oracle of Monticello on every important crisis of their administrations. Their published correspondence with Jefferson contains only a partial record of their indebtedness to him, for they frequently made the pilgrimage in person to Monticello for long and intimate conferences.

A striking example of the influence he exerted on the administration at Washington is furnished by a letter which he wrote on October 24, 1823, in his

eighty-first year, to President Monroe, in answer to the latter's request for his opinion on Canning's proposal of joint action between Great Britain and the United States to warn the Holy Alliance to keep its hands off the western hemisphere. The letter was written six weeks before the President announced his famous Monroe Doctrine to Congress. It reads: "Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe. Our second, never to suffer Europe to meddle with cis-Atlantic affairs. America, north and south, has a set of interests distinct from those of Europe and peculiarly her own. . . . I could honestly, therefore, join in the declaration . . . that we will oppose with all our means the forcible interposition of any other power, as auxiliary, stipendiary, or under any other form or pretext, and most especially their [the former colonies of Spain in the western hemisphere] transfer to any power by conquest, coercion, or acquisition in any other way." Monroe put these ideas into his message of December 2, 1823.

Jefferson's political prognostications, however, were not always right, nor his judgments always sound. He was curiously mistaken in his prophecy of the course of the War of 1812, when he wrote to his old friend, General Kosciuszko, June 28, 1812: "Our present enemy will have the sea to herself, while we shall be equally predominant at land, and shall

strip her of all her possessions on this continent." Great Britain did not have the sea to herself, and Detroit, Bladensburg, and Sackett's Harbor are a sufficient commentary on our "predominance at land." The easy optimism with which the Southern statesmen, from the knightly young Clay to the venerable Jefferson, assumed a rapid and jaunty conquest of Canada by our militia; is still a matter of wonder to the historian. "The acquisition of Canada this year as far as the neighborhood of Quebec," wrote Jefferson to Duane, in August, 1812, "will be a mere matter of marching, and will give us experience for the attack of Halifax the next and the final expulsion of England from the American continent." Jefferson didn't go quite to the length that Clay did, however, in declaring that the conquest of Canada could be accomplished by a thousand Kentucky riflemen!

On the whole, it seems as though Jefferson in his later years reverted to the particularistic theories of government from which he had grown away during his tenure of office. The Hartford Convention, the nationalist tendencies in the increase of the army, the raising of the tariff, the re-establishment of the bank, the movement for internal improvements at national expense, revived his apprehension of the renaissance of Federalism. Perhaps, too, in the reminiscences of his earlier days of jealous combat against the centralizing tendencies of Alexander

Hamilton, and in the ordering and editing of those random notes which he had jotted down during his official career in Philadelphia and Washington—the famous and regrettable *Anas*—he experienced a fresh realization of the dangers of Federal usurpation. Nor could he have been indifferent to the rapid growth of the power of the Federal judiciary at the expense of States' rights in the successive decisions of the supreme court under the influence of Chief Justice Marshall, or to the appearance of Marshall's elaborate *Life of Washington* (1805), which gave a powerful Federalist interpretation of our government in its inaugural years. His purpose in publishing the *Anas* was chiefly to counteract the influence of Marshall's book, and he appealed to Madison and the younger men of the Republican party to take care that the people of the country should not be left without an adequate apologetic for Republican principles and policies. He feared that the Republican party, under its new and enthusiastic leaders, like Calhoun, Porter, Cheves, and Clay, might drift from the true course.

It is undoubtedly to this renewed fidelity to the doctrines of particularism and States' rights that we must attribute Jefferson's disappointing and reactionary attitude on the Missouri question. No man in America had championed the cause of negro emancipation with more consistency and vigor than Thomas Jefferson. From his entrance into the Vir-

ginia House of Burgesses in 1769 to his retirement from the presidency, forty years later, his every public utterance and private opinion on the subject of slavery had been in favor of abolition. In the first draft of the Declaration of Independence he had made the encouragement of the slave-trade one of the heads of indictment against George III. Chosen with Wythe and Pendleton to revise the Virginia law code in 1779, he prepared an amendment emancipating all slaves born in the State after the passing of the act, and providing for their being educated in farming and the mechanical arts at public expense until they came of age, and then being colonized to some suitable place, supplied with arms, household implements, tools, seeds, domestic animals, and kept under the "alliance and protection" of the State until they should be numerous and strong enough to protect themselves.

Shortly after his futile attempt to get emancipation written into the revised Virginia law code, Jefferson composed his *Notes on Virginia* (published in Paris, in 1784), in which he deplored the evil effects of slavery on the manners and morals of the community. "The whole commerce between master and slave," he wrote, "is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part and degrading submission on the other. Our children see this and learn to imitate it. . . . And can the liberties of a nation

be thought secure when we have removed their only firm basis, a conviction in the minds of the people that those liberties are the gift of God; that they are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just, that his justice cannot sleep forever."

In the same year that he published the *Notes on Virginia*, Jefferson introduced into a bill in Congress a clause excluding slavery from the whole of the territory of the United States between the Alleghanies and the Mississippi, south as well as north of the Ohio. The clause was lost by the vote of a single State only.

Probably, finally, no single act of Jefferson's presidency gave him more personal satisfaction than his opportunity of reminding the Houses of Congress, in his message of 1806, that the time was approaching when, by the expiration of the twenty-year limit set by the Constitution, they might pass a law putting an end to the slave-trade, and with it to those "violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country have long been eager to proscribe." Jefferson renewed his devotion to the cause of emancipation in a letter to Edward Coles, in the autumn of 1814, reiterating his faith in the scheme of colonization, and deploring the fact that the younger generation, in whose own

breast the flame of liberty had been kindled, were not more eager to extend the process to their negro brethren. For himself, he said, the time for action was past. Old Priam could not buckle on the armor of Hector. The enterprise of emancipation was for the young. . . . "It shall have all my prayers—the only weapons of an old man."

What more natural than to expect a man with such a record in word and deed in behalf of emancipation to hail with joy and support with ardor the efforts of the "restrictionists" in the Congress of 1819-20 to exclude slavery from the proposed new State of Missouri and the remaining part of the Louisiana Purchase territory? It was the first movement to stop the spread of slavery west of the Mississippi, as his own bill of 1784 had been the first movement to stop the spread of slavery west of the Alleghanies. Tallmadge's proposal that no more slaves be allowed to go into Missouri was like his own measure in the House of Burgesses many years before to declare free after one year any negro slave brought into the State of Virginia. The provision that negroes born in the State of Missouri should become free at the age of twenty-five was less radical than his own proposition of 1779 for Virginia that all children born of slaves should be free from their birth and should be placed under the tutelage of the State until old enough for colonization. Yet, in spite of all this, Jefferson opposed the imposition of any

restriction regarding slavery upon Missouri by Congress as a condition of its admission as a State into the Union, and condemned the famous Compromise which forbade the extension of slavery into the rest of the territory of the Louisiana Purchase above the parallel of $36^{\circ} 30'$.

In this matter Jefferson's abhorrence of the revival of Federalism got the better of his hatred for slavery. He could see in the policy of the restrictionist only a ruse to restore the prestige of the northern champions of a consolidated government. He who once in his horror of slavery had "trembled for his country," now found the impassioned pleas of Taylor, Slade, Tallmadge, and King for a race of freemen in our new West only hypocrisy and guile. "The Missouri question," he wrote to William Pinkney, "is a mere party trick. The leaders of Federalism, defeated in their schemes of obtaining power by rallying partisans to the principle of monarchism . . . have changed their tack and thrown out another barrel to the whale. They are taking advantage of the virtuous feelings of the people to effect a division of parties by a geographical line. . . . They are wasting Jeremiads on the miseries of slavery, as if we were advocates for it. Sincerity in their declamations should direct their efforts to the true point of the difficulty, and unite their counsels with ours in devising some reasonable and practicable plan of getting rid of it." But what plan was either more reasonable or more practicable at

the moment for getting rid of slavery than to prevent its going into the new lands west of the Mississippi, Jefferson, if he knew, did not state. Again he wrote to Lafayette in France, that the Missouri question was "not a moral question, but merely one of power: its object is to raise a geographical principle for the choice of a president, and the noise will be kept up until that is effected." And again, to General Dearborn, after the passage of the compromise: "Desperate of regaining their power under political distinctions, they [the Federalists] have wriggled into its seat under the auspices of morality, and are again in the ascendancy from which their sins had hurled them." So the man whom cynics ridiculed for his idealism in politics lost the moral point of the Missouri question in his own cynical attitude, and comforted himself, for his country, with the miserable sophistry that the extension of slavery into the new West would lighten the dark cloud by dissipating it, and for his person, with the dismal thanksgiving that he would "not live to see the issue."

Religious obloquy, which had pursued Jefferson all through his official life, did not cease with his retirement or even with his burial. He was accused by the orthodoxy of New England of having imported the atheistical doctrines of the French Jacobins to corrupt his countrymen. Ridiculous stories of his hostility to Christianity were circulated, even to the rumor of a presidential edict to suppress all copies of

the Bible. But Jefferson was no more an atheist than he was a Jacobin. Whether he was a Christian or not depends on the definition of a word which has never been defined alike by any two of a multitude of sects. The Christianity of the priesthood and the Christianity of dogma he equally abhorred. He rejected all doctrines which offended his reason or his ethics: the Trinity, predestination, the virgin birth of Christ, apostolic succession, the atonement, miracles, et cetera; but his writings abound with references to a Deity in whose hands are the issues of human affairs, and with expressions of faith in a future life where those parted on earth shall meet again. He fought strenuously against any connection between church and state, as the endowed Anglican clergy of Virginia experienced to their sorrow; but he generally followed the worship and accepted the ministrations of the Episcopal Church, while he was a liberal contributor to churches of many denominations and a good friend to hosts of clergymen. He rejected the doctrine of the inspiration of the Bible; but he knew the book better than most of his critics, and compiled with considerable labor a kind of "harmony of the Gospels," called "The Jefferson Bible," designed to cull out and arrange in order the essential teachings of Jesus.¹ It is prob-

¹ He wrote to his friend, Charles Thompson, in January, 1816: "I have made a wee little book . . . which I call the *Philosophy of Jesus*. It is a paradigm of his doctrines, made by cutting the texts out of the book and arranging them on the pages of a blank-book, in

able that he did not differ essentially from Washington, Adams, or Franklin in his religious opinions, except that he was far more interested in religion than any of these. It is difficult to imagine a reverend stranger discussing religion for hours with the grave Washington or the pompous Adams or the canny Franklin, and departing under the impression that he had been conversing with a trained theologian. But, then, these men were not "Jacobinical," therefore their heterodoxy was not dangerous. It was really Jefferson's *political* opinions that were persecuted in the New England pulpits under the head of "atheism and infidelity."

Least of all was Jefferson a propagandist in religion. He never attempted to make a convert or wished to change another's creed. So sacredly private a matter did he consider the individual's relation to God that he hesitated to communicate his religious ideas even to his own family and intimate friends. His eldest grandson and the administrator of his estate, Thomas Jefferson Randolph, wrote to his biographer, H. S. Randall, in 1856: "Of his relig-

a certain order of time and subject. A more beautiful and precious morsel of ethics I have never seen. It is a document in proof that I am a *real* Christian, *i. e.*, a disciple of the doctrines of Jesus, very different from the Platonists who call *me* infidel and themselves Christians and preachers of the Gospel, while they draw all their characteristic dogmas from what its author never said or saw. They have compounded from the heathen mysteries a system beyond the comprehension of man, of which the great reformer of the vicious ethics and deism of the Jews, were he to return to earth, would not recognize one feature."

ious opinions his family know no more than the world. If asked by any one of them his opinion on any religious subject his uniform reply was that it was a subject each was bound to study assiduously for himself, unbiassed by the opinions of others . . . that after a thorough investigation they were responsible for the righteousness not the rightfulness of their opinions." At the same time he was patient and courteous with those who tried to "convert" him out of honest solicitude for his salvation. "I must ever believe that religion substantially good," he wrote to one such apostle in 1814, "which produces an honest life, and we have been authorized by One whom you and I equally respect, to judge of the tree by its fruits. . . . Let us not be uneasy, then, about the different roads we may pursue, but following the guidance of a good conscience let us be happy in the hope that by these different paths we shall all meet in the end. . . . I salute you with brotherly esteem and respect."

In a word, Jefferson's religion was a system of practical ethics, built, as he believed, on the teachings of the Nazarene and supplemented by a deliberately undefined faith in a guiding Providence and a future state. "I have never permitted myself," he wrote to that rarest type of friend, a New England clergyman, "to meditate a specific creed. These formulas have been the bane and ruin of the Christian church, its own fatal invention." In the midst of the busy

first term in the White House, Jefferson found time to write a syllabus of the doctrines of Jesus compared with the moral codes of the Hebrews, the Greeks, and the Romans, to show the superiority of the Christian ethics. He sent the syllabus to Benjamin Rush with the comment: "These [views] are the result of a life of inquiry and reflection, and very different from that anti-Christian system imputed to me by those who know nothing of my opinions. To the corruptions of Christianity I am indeed opposed,¹ but not to the genuine precepts of Jesus himself. I am a Christian in the only sense he wished any one to be; sincerely attached to his doctrines in preference to all others, ascribing to him every *human* excellence, and believing he never claimed any other." It was on these ethical principles that Jefferson based a life which was noble, kindly, generous, dignified, sympathetic, and true. There is but one testimony from the host of friends, acquaintances, and visitors who enjoyed the hospitality of the master of Monticello, that he himself was the pattern of the righteous man described in his own favorite Psalm:

"Lord, who's the happy man that may to thy blest
courts repair,
Not stranger-like to visit them, but to inhabit there?"

¹ He wrote to Colonel Pickering in 1822, thanking him for a copy of Channing's sermons: "Had there never been a commentator there never would have been an infidel."

'Tis he whose every thought and deed by rules of virtue
moves,

Whose generous tongue disdains to speak the thing his
heart disproves."

Nevertheless, Jefferson's life at Monticello, for all the love and veneration that surrounded it, was not free from care. Debt dogged his footsteps to the grave. The portion of the Wayles property which his wife brought him as a dowry was heavily encumbered, and before he had finally paid off his English creditors over a period of depreciated currency and depressed land values, the debt "swept away nearly half of the estate." During his forty years of frequent absence from Monticello in his country's service his farms were left in the hands of overseers. When he returned in 1809 to take charge of his property in person a series of misfortunes awaited him. Cold weather and the ravages of the Hessian fly reduced the crops of 1810 and 1811. The interruption of our foreign trade by the Embargo and Non-Intercourse Acts closed valuable markets to his tobacco and raised the price of necessary commodities, like farm implements and clothing for his slaves, to a ruinous figure. The war with Great Britain still further aggravated the distress by its close blockade of Chesapeake Bay. And when the war was over an entirely new economic adjustment followed. The fluid capital of the North was turned into mills and factories. The planters of the South

carried their slaves across the Alleghanies into the rich Gulf and river lands of the Mississippi Territory. The value of the upland acres sank, and the farming gentry declined before the rising barons of the cotton plantation. There is no more pathetic picture in our economic history than the gradual decay of the splendid estates of the old families of Virginia, whom neither poverty nor penury could wean from their generous traditions of social dignity and limitless hospitality.

It was not alone the inexorable laws of economic displacement that brought Jefferson into financial straits. Rigid economy in his household and on his estate would have allowed him to finish his days in ease and comfort, if not in affluence. But Jefferson could not practise economy. He had expensive tastes. He loved rare books and fine horses. Even so complete a connoisseur as Daniel Webster waxed enthusiastic over the quality of his wines. He was still spending considerable sums on his beloved mansion of Monticello, thirty years after he had brought his bride to its new chambers through the deep snow of New Year's night, 1772. The doors of Monticello were never closed to friend or stranger. Besides his own numerous family of dependants, sisters, nephews, nieces, sons-in-law, and grandchildren, he supported a constant train of guests, invited and uninvited. They came with their families and servants and horses and carriages. They stayed for

weeks and months. His daughter, Mrs. Randolph, told of preparing as many as fifty beds for guests on some nights. They ate his good food and drank his choice wines. They literally devoured his substance, like the suitors in Ulysses's halls at Ithaca.

The vice-presidency is said to have been the only public position occupied by Jefferson in which he lived within his official salary. He left the presidency burdened with a debt of twenty thousand dollars, and had to apply for a loan at a Richmond bank in order to square his outstanding accounts in Washington before he could start with a clear conscience for Monticello. When the British burned the public buildings at Washington, in 1814, he offered to sell his fine collection of some thirteen thousand books to Congress, at the valuation which a committee of the Houses should put upon them, partly to replace the Congressional Library which had been destroyed, but more especially to get a temporary relief from pressing creditors. After a rather heated debate as to whether the books of the "infidel Voltaire" ought to be purchased with the public funds, and considerable haggling over the estimated worth of the library, Congress finally voted to take it for twenty-three thousand nine hundred and fifty dollars, which was probably not more than half its value. The relief was but temporary, the pressure of the debt constant.

At the opening of the year 1826, the last of his

life, Jefferson's financial embarrassments threatened to drive him into bankruptcy and the loss of his estate. In despair he turned to the Virginia Legislature, asking permission to sell part of his property by lottery. "If it can be yielded," he wrote to a friend in the legislature, "I can save the house of Monticello and a farm adjoining to end my days in and bury my bones." His countrymen came forward with voluntary subscriptions to save his estate. New York contributed eight thousand five hundred dollars, Philadelphia five thousand dollars, Baltimore three thousand dollars. The project of the lottery was suspended, and the immediate demands were met, including twenty thousand dollars for which Jefferson became liable by the indorsement of his friend Wilson Cary Nicholas's note in 1819. The aged statesman was fortunately left to end his days under the happy delusion that this "pure and unsolicited offering of love" by his fellow countrymen would suffice not only to pay off all his debts but to leave his dependants in ease at Monticello. The subscriptions ceased, however, and six months after Jefferson's death the costly furniture, pictures, china, and silver of Monticello were put up at auction to help meet the debt of forty thousand dollars on the estate. Jefferson's only surviving child, his daughter, Mrs. Randolph, was forced to leave the beautiful mansion over which she had presided for nearly forty years, and was saved from utter desti-

tution in her declining days only by the generosity of the legislatures of South Carolina and Louisiana, each of which made her a grant of ten thousand dollars. Monticello passed into the hands of strangers.

Jefferson found relief from the financial worries of his declining years in absorbing devotion to the noblest work of his noble life, the establishment of a great liberal and democratic university. "A system of general instruction," he wrote in 1818, "which shall reach every description of our citizens, from the highest to the poorest, as it was the earliest, so it will be the latest, of all the public concerns in which I shall permit myself to take an interest." In season and out of season, at home and abroad, in the midst of public duties and in retirement at Monticello, he spread the doctrine of popular education with the fervor of an apostle: "Preach, my dear sir, a crusade against ignorance," he wrote to George Wythe from Paris in 1786. "Establish and improve the law for educating the common people. Let our countrymen know that the people alone can protect us against these evils."¹ In his annual message to Congress in 1806 he declared that education should be "placed among the articles of public care," and recommended "a national establish-

¹ Jefferson is speaking in this part of his letter of the miseries with which the rich and favored land of France is burdened by its Court, its nobility, and its priesthood, because the people are too ignorant to realize and too passive to throw off their abject condition.

ment for education . . . a public institution which could apply those sciences . . . all the parts of which contribute to the improvement of the country, and some of them to its preservation."

But the idea of a national university found no more favor with Congress than had the scheme of public schools with the burgesses and the county courts of Virginia. It was not until Jefferson, freed from the burdens of office, bent his whole energy to the cause of the education of his countrymen that the opposition of generations of social and religious prejudice began to yield to the persuasion of his faith. A few important men, including Madison, Monroe, W. C. Nicholas, James Breckenridge, Peter Carr, supported him faithfully, but the one person without whose constant co-operation Jefferson could hardly have succeeded in founding the University of Virginia was Joseph C. Cabell, a brilliant young lawyer who had travelled widely in Europe studying schools and universities, and who for eighteen years in the Senate of Virginia (1811-29) fought a noble battle for the encouragement of higher education by the State. Jefferson and Cabell worked together in perfect harmony. Their correspondence pertaining to the foundation of the university was published anonymously at Richmond on Cabell's death in 1856. It fills three hundred and seventy-seven octavo pages!

Jefferson would have liked to see his *alma mater*,

William and Mary College, converted into a liberal non-sectarian university; but the traditions of that ancient, endowed seat of Anglicanism were too strong to be overcome. A new centre of learning had to be created. With the aid of voluntary subscriptions from a group of nine gentlemen interested in his scheme, contributing himself a thousand dollars which he could not spare, Jefferson rescued the old Albemarle Academy at Charlottesville from a moribund condition, and got the legislature to incorporate the institution, in February, 1816, under the name of the Central College. Three years later the college was widened into the University of Virginia, a board of visitors was chosen, and Thomas Jefferson was unanimously elected rector. From that March meeting of 1819 until his death, seven years later, he labored unremittingly to build up a university which should be an ornament to his State and a centre of liberal learning. He himself chose the sites and drew the plans for the buildings, selected the bricks and timber, imported workers from Italy to carve the capitals of the columns. Almost every day he rode over to Charlottesville, four miles from Monticello, and remained for hours seated on a folding camp-stool of his own invention, superintending the building of his precious halls. When he could not go, he watched the work through a telescope mounted on one of the terraces at Monticello. "He spent almost as much pains on the

great rotunda of the central hall of the college," says Herbert Baxter Adams, "as Michael Angelo did on the dome of St. Peter's." And he had the great satisfaction of living to see the university opened to its first class of students in the spring of the year 1825.

The University of Virginia was the most liberal institution of learning in the world.¹ Its curriculum was wholly elective. There were no religious tests for professors or pupils. Attendance at chapel was voluntary. The modern languages and the sciences stood on a par with the classics and mathematics. The honor system in examinations and student self-government in discipline were adopted. The university was divided into a number of "schools," so that specialization could begin with the pupil's entrance. There was no president of the faculty. The professors stood on an equality and exercised a chairmanship in turn. Physical training was compulsory. Agriculture and the science of government were for the first time recognized as subjects worthy of a place in a university curriculum. Students of theological schools were invited to attend the university, enjoying the privilege of the lectures, the library, and "any other accommodations we can give them." "By bringing the sects together, and

¹ Jefferson wrote Mr. Roscoe on December 7, 1820: "The institution will be based on the illimitable freedom of the human mind. For here we are not afraid to follow the truth wherever it may lead, nor to tolerate any error, so long as reason is left free to combat it."

mixing them with the mass of other students," said Jefferson, "we shall soften their asperities, liberalize and neutralize their prejudices, and make the general religion a religion of peace, reason, and morality." The student of the history of education stands amazed at the "modernness" of the various measures which Jefferson recommended in his famous series of reports as rector of the University of Virginia. Some of these measures have been adopted by us only yesterday, as it were;¹ others still wait until, to use Jefferson's phrase, "the public mind can bear them."

The influence of Jefferson and his co-workers in the cause of higher education extended far beyond the boundaries of Virginia. The University of Michigan, the first of that splendid group of pioneer colleges in our Western States, was founded by Jefferson's friend, Judge Woodward, of Michigan Territory, in full sympathy with the Jeffersonian principles. The new State of Maine (1820) inserted in its constitution a "literary article" for the "general diffusion of the advantages of education" through the State, which the president of the constitutional convention and first governor of Maine, William King, acknowledged that he owed to Jef-

¹ For example, the recent arrangement between Union Theological Seminary and Columbia University, by which Jefferson's plan of the interchange of courses between the religious and the secular institutions was adopted, nearly a hundred years after his suggestion, as a "new departure" in education.

erson's suggestion during a visit to the "hospitable mansion" of Monticello the previous winter. George Ticknor, another welcome guest at Monticello, took back to his new professorship at Harvard valuable advice on the advantages of the elective system and the emphasis on the study of the modern languages. Herbert Baxter Adams could well call the University of Virginia "the noblest work of Jefferson's life," marking "the continuation of his personal, vitalizing influence in Virginia and in the country at large more truly than any other of his original creations."

It was not a merely professional scientific motive that led Jefferson to devote himself with such zeal to the cause of education in Virginia and the country at large. The enlightenment of the people was for him the corner-stone of the structure of democracy, hence a system of free, popular education was a chief article in his political creed. In the admirable preamble to the revisers' bill of 1779, "For the more general diffusion of knowledge," he declared that even under the best forms of government those intrusted with power had sometimes perverted that power into tyranny. "The most effectual means of preventing this," he continued, "would be to illuminate as far as practicable the minds of the people at large, and more especially to give them knowledge of those facts which history exhibiteth, that, possessed thoroughly of the experience of other ages and countries, they may be enabled to know ambi-

tion under all its shapes, and prompt to exert their natural powers to defeat its purposes." And again in his *Notes on Virginia* he wrote: "Every government degenerates when trusted to the rulers of the people alone. The people themselves are its only safe depositories. And to render even them safe, their minds must be improved to a certain degree. . . . It has been thought that corruption is restrained by confining the right of suffrage to a few of the wealthier people, but it would be more effectually restrained by an extension of that right to such numbers as would bid defiance to the means of corruption."

Finally, to complement and justify Jefferson's conviction that the political health of a people depends on its own enlightened participation in government, and that "no nation," as he nobly wrote in his rectorial report of 1821, "is permitted to live in ignorance with impunity," came his faith in the illuministic philosophy of the perfectibility of the human mind. "We should be far from the persuasion that man is fixed by the law of his nature at a given point," he wrote to the Virginia Legislature in 1818, "that his improvement is a chimera and the hope delusive of making himself wiser, happier, or better than our forefathers were. . . . As well might it be urged that the wild and uncultivated tree, hitherto yielding sour and bitter fruit only, can never be made to yield better. . . . It cannot

be but each generation must advance the knowledge and well-being of mankind, not *infinitely* as some have said, but *indefinitely and to a term which no man can fix and foresee.*"

To the end of his days Jefferson maintained his faith in the essential accuracy and justice of the judgment of the mass of the "common people." For him the people were not an object for government to play upon, as it were, but government itself was a function of the people. Liberty was not a privilege granted by the government, but government was a responsibility delegated to its officers by the people. On this distinction hangs all the philosophy of democracy. The last letter penned by Jefferson's aged and trembling hand was a summons to his countrymen to renew with "undiminished devotion" their faith in the rights of man and the blessings of self-government. The last word and gesture of his ebbing life was a hand raised feebly and the murmur: "Warn the committee to be on the alert." He died as he had lived, under the inspiring compulsion of a single great aim—*human freedom*. Freedom was the text of his life: "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man." Freedom was the burden of his labors: "I endeavor to keep attention fixed on the main object of all science, the freedom and happiness of man." Freedom was the legacy for which alone he wished to

be remembered by his countrymen—freedom in government, freedom in creed, freedom in intellect. And so he wrote the epitaph which is inscribed upon the shaft that stands above his grave:

HERE WAS BURIED
THOMAS JEFFERSON
AUTHOR
OF THE DECLARATION OF
AMERICAN INDEPENDENCE
THE STATUTE OF VIRGINIA
FOR RELIGIOUS FREEDOM AND
FATHER OF THE UNIVERSITY OF VIRGINIA

Thomas Jefferson was not perfect. Who of mortals is? We can find flaws in his nature and faults in his character, errors of judgment and inconsistencies of behavior. He was not endowed with a sense of humor, which would have saved him in many a humiliating situation. His passion for humanitarian philosophy and radical democracy blinded him sometimes to the honesty of purpose and character of excellent men who differed from him. He had a congenital and unconquerable aversion to combativeness which his unfavorable critics have usually called "weakness" or "cowardice." At the same time his conviction of the necessity of having the political battles fought kept him urging

others to the fray—a policy of indirection which has brought on him the charge of hypocrisy and finesse, of shielding himself behind his agents, and employing his friends as catspaws to pull his hot political chestnuts from the fire. The man of speech who stands up in the battle of debate, giving and taking hard blows, looks a little askance on the man of the pen who carries on his campaign by private letters and quiet interviews, as if he must be engaged in “shady” dealings. And yet a private letter may be as honest as a harangue on the floor of Congress, and an after-dinner conversation as guileless as a campaign speech. The voluminous correspondence of Jefferson is naturally not free from the regrettable expressions in which a man, whose political creed is as sacred to him as a religious faith, pours out his soul to a friend against the wickedness of his adversaries. The Mazzei letter and the *Anas* would better not have been written. And yet these instances are few. The sixteen thousand letters of Jefferson that have been preserved to us are a precious heritage. They give us the portrait of a man of just mind and spotless honor, a kindly, generous, sagacious, patient man, marvellously gifted, tirelessly active, holding the faith in democracy through good and evil days, persevering and noble in his aims, and all his ends his country’s and mankind’s.

Shortly after noon on July 4, 1826, the fiftieth anniversary of the Declaration of Independence,

Jefferson died peacefully at Monticello, surrounded by an adoring family. Far away to the north, in the little town of Quincy, Massachusetts, another great American patriot and signer of the Declaration of Independence lay on his death-bed that same day. John Adams lingered till sunset. The last whispered words of his failing breath were: "Thomas Jefferson still lives." Thomas Jefferson had already passed away from earth, but John Adams's words were true, and will be true so long as men shall strive for peace, fraternity, and freedom.

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